



General Assembly

January Session, 2011

Amendment

LCO No. 8619

SB0124308619HR0

Offered by:

REP. SAWYER, 55th Dist.
REP. SAMPSON, 80th Dist.
REP. SIMANSKI, 62nd Dist.
REP. COUTU, 47th Dist.
REP. GREENE, 105th Dist.

REP. DAVIS C., 57th Dist.
REP. WILLIAMS, 68th Dist.
REP. CARTER, 2nd Dist.
REP. ADINOLFI, 103rd Dist.

To: Senate Bill No. 1243

File No.

Cal. No.

**"AN ACT CONCERNING THE ESTABLISHMENT OF THE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
AND PLANNING FOR CONNECTICUT'S ENERGY FUTURE."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2011*) (a) There is established a
4 Department of Energy and Environmental Protection, which shall have
5 jurisdiction relating to the preservation and protection of the air, water
6 and other natural resources of the state, energy and policy planning
7 and regulation and advancement of telecommunications and related
8 technology. For the purposes of energy policy and regulation, the
9 department shall have the following goals: (1) Reducing rates and
10 decreasing costs for Connecticut's ratepayers, (2) ensuring the
11 reliability and safety of our state's energy supply, (3) increasing the use

12 of clean energy and technologies that support clean energy, and (4)
13 developing the state's energy-related economy. For the purpose of
14 environmental protection and regulation, the department shall have
15 the following goals: (A) Conserving, improving and protecting the
16 natural resources and environment of the state, and (B) preserving the
17 natural environment while fostering sustainable development. The
18 Public Utilities Regulatory Authority within the department shall be
19 responsible for all matters of rate regulation for public utilities and
20 regulated entities under title 16 of the general statutes and shall
21 promote policies that will lead to just and reasonable utility rates. The
22 department head shall be the Commissioner of Energy and
23 Environmental Protection who shall be appointed by the Governor in
24 accordance with the provisions of sections 4-5 to 4-8, inclusive, of the
25 general statutes, as amended by this act, with the powers and duties
26 therein prescribed. The Department of Energy and Environmental
27 Protection shall establish bureaus, one of which shall be designated an
28 energy bureau.

29 (b) The Department of Energy and Environmental Protection shall
30 constitute a successor department to the Department of Environmental
31 Protection and the Department of Public Utility Control in accordance
32 with the provisions of sections 4-38d, 4-38e and 4-39 of the general
33 statutes.

34 (c) Wherever the words "Commissioner of Environmental
35 Protection" are used or referenced to in the following sections of the
36 general statutes, the words "Commissioner of Energy and
37 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-
38 100, 4-5, as amended by this act, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-
39 238a, 7-121d, 7-131, 7-131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l,
40 7-131t, 7-131u, 7-136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, 7-246f,
41 7-247, 7-249a, 7-323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-231d, 10-
42 231g, 10-382, 10-388, 10-389, 10-391, 12-81, 12-81r, 12-107d, 12-217mm,
43 12-263m, 12-407, 12-412, 13a-80i, 13a-94, 13a-142a, 13a-142b, 13a-142e,
44 13a-175j, 13b-11a, 13b-38x, 13b-51, 13b-56, 13b-57, 13b-329, 14-21e, 14-
45 21i, 14-21s, 14-65a, 14-67l, 14-80a, 14-100b, 14-164c, 14-164h, 14-164i, 14-

46 164k, 14-164o, 15-11a, 15-121, 15-125, 15-127, 15-130, 15-133a, 15-133c,
47 15-140a, 15-140c, 15-140d, 15-140e, 15-140f, 15-140j, 15-140o, 15-140u,
48 15-140v, 15-141, 15-142, 15-143, 15-144, 15-145, 15-149a, 15-149b, 15-
49 150a, 15-151, 15-154, 15-154a, 15-155, as amended by this act, 15-155d,
50 15-156, 15-174, 16-2, as amended by this act, 16-11a, 16-19e, 16-19g, 16-
51 50c, 16-50d, 16-50j, as amended by this act, 16-261a, 16a-3, as amended
52 by this act, 16a-21a, 16a-27, 16a-35h, 16a-38k, as amended by this act,
53 16a-103, 16a-106, 19a-35a, 19a-47, 19a-102a, 19a-330, 19a-341, 21-84b,
54 22-6c, 22-11h, 22-26cc, 22-81a, 22-91c, 22-350a, 22-358, 22a-1g, 22a-2a,
55 22a-5b, 22a-5c, 22a-6, 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h, 22a-
56 6i, 22a-6j, 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u, 22a-6v,
57 22a-6w, 22a-6y, 22a-6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-7a, 22a-7b, 22a-
58 8a, 22a-10, 22a-13, 22a-16a, 22a-21, 22a-21b, 22a-21c, 22a-21d, 22a-21h,
59 22a-21j, 22a-22, 22a-25, 22a-26, 22a-27, 22a-27f, 22a-27l, 22a-27p, 22a-
60 27r, 22a-27s, 22a-27t, 22a-27u, 22a-27v, 22a-27w, 22a-29, 22a-35a, 22a-
61 38, 22a-42a, 22a-44, 22a-45a, 22a-45b, 22a-45c, 22a-45d, 22a-47, 22a-54,
62 22a-54a, 22a-56a, 22a-66a, 22a-66c, 22a-66j, 22a-66k, 22a-66l, 22a-66y,
63 22a-66z, 22a-68, 22a-93, 22a-106a, 22a-109, 22a-113n, 22a-113t, 22a-114,
64 22a-115, 22a-118, 22a-122, 22a-133a, 22a-133b, 22a-133k, 22a-133l, 22a-
65 133m, 22a-133n, 22a-133u, 22a-133v, 22a-133w, 22a-133y, 22a-133z, 22a-
66 133aa, 22a-133bb, 22a-133ee, 22a-134, 22a-134e, 22a-134f, 22a-134g, 22a-
67 134h, 22a-134i, 22a-134k, 22a-134l, 22a-134m, 22a-134n, 22a-134p, 22a-
68 134s, 22a-135, 22a-136, 22a-137, 22a-148, 22a-149, 22a-150, 22a-151, 22a-
69 153, 22a-154, 22a-155, 22a-156, 22a-158, 22a-160, 22a-162, 22a-170, 22a-
70 171, 22a-173, 22a-174c, 22a-174d, 22a-174e, 22a-174f, 22a-174g, 22a-
71 174h, 22a-174i, 22a-174j, 22a-174k, 22a-174l, as amended by this act,
72 22a-174m, 22a-180, 22a-182a, 22a-183, 22a-186, 22a-188, 22a-188a, 22a-
73 191, 22a-191a, 22a-192, 22a-193, 22a-194a, 22a-194c, 22a-194f, 22a-198,
74 as amended by this act, 22a-199, 22a-200, 22a-200a, 22a-200b, 22a-200c,
75 22a-201a, 22a-201b, 22a-207, 22a-208a, 22a-208b, 22a-208d, 22a-208e,
76 22a-208f, 22a-208g, 22a-208h, 22a-208j, 22a-208o, 22a-208p, 22a-208q,
77 22a-208v, 22a-208w, 22a-208x, 22a-208y, 22a-208aa, 22a-208bb, 22a-
78 209a, 22a-209b, 22a-209d, 22a-209f, 22a-209g, 22a-209h, 22a-209i, 22a-
79 213a, 22a-214, 22a-219b, 22a-219c, 22a-219e, 22a-220, 22a-220a, 22a-
80 220d, 22a-222, 22a-223, 22a-225, 22a-227, 22a-228, 22a-230, 22a-231, 22a-

81 233a, 22a-235, 22a-235a, 22a-237, 22a-238, 22a-239, 22a-240, 22a-240a,
82 22a-241, 22a-241a, 22a-241b, 22a-241g, 22a-241h, 22a-241j, 22a-245, 22a-
83 245a, 22a-245b, 22a-245d, 22a-248, 22a-250, 22a-250a, 22a-250b, 22a-
84 250c, 22a-252, 22a-255b, 22a-255c, 22a-255d, 22a-255f, 22a-255h, 22a-
85 256b, 22a-256c, 22a-256i, 22a-256m, 22a-256o, 22a-256q, 22a-256r, 22a-
86 256v, 22a-256y, 22a-256aa, 22a-260, 22a-264, 22a-283, 22a-285a, 22a-
87 285d, 22a-285e, 22a-285g, 22a-285h, 22a-285j, 22a-295, 22a-300, 22a-308,
88 22a-309, 22a-314, 22a-315, 22a-316, 22a-317, 22a-318, 22a-319, 22a-320,
89 22a-321, 22a-322, 22a-324, 22a-326, 22a-328, 22a-336, 22a-337, 22a-339a,
90 22a-339b, 22a-339c, 22a-339d, 22a-339f, 22a-339g, 22a-339h, 22a-342a,
91 22a-349, 22a-349a, 22a-351, 22a-352, 22a-354b, 22a-354c, 22a-354d, 22a-
92 354e, 22a-354f, 22a-354h, 22a-354i, as amendeded by this act, 22a-354j,
93 22a-354k, 22a-354l, 22a-354p, 22a-354q, 22a-354t, 22a-354u, 22a-354v,
94 22a-354w, as amended by this act, 22a-354x, 22a-354z, 22a-354aa, 22a-
95 354bb, 22a-354cc, 22a-355, 22a-357, 22a-359, 22a-361, 22a-361a, 22a-
96 363b, 22a-364, 22a-367, 22a-368a, 22a-378a, 22a-381, 22a-401, 22a-402,
97 22a-406, 22a-409, 22a-416, 22a-423, 22a-426, 22a-430b, 22a-430c, 22a-
98 434a, 22a-439, 22a-439a, 22a-444, 22a-445, 22a-449, 22a-449e, 22a-449f,
99 22a-449g, 22a-449h, 22a-449i, 22a-449j, 22a-449k, 22a-449l, 22a-449n,
100 22a-449p, 22a-449q, 22a-450a, 22a-452a, 22a-452e, 22a-453a, 22a-454c,
101 22a-457a, 22a-457b, 22a-458, 22a-459, 22a-461, 22a-462, 22a-463, 22a-471,
102 22a-472, 22a-474, 22a-475, 22a-482, 22a-485, 22a-497, 22a-500, 22a-501,
103 22a-517, 22a-521, 22a-522, 22a-523, 22a-524, 22a-525, 22a-526, 22a-527,
104 22a-601, 22a-602, 22a-605, 22a-613, 22a-616, 22a-626, 22a-627, 22a-629,
105 22a-630, 22a-634, 22a-637, 22a-638, 22a-902, 23-4, 23-5, 23-5b, 23-6, 23-7,
106 23-8, as amended by this act, 23-8b, 23-9a, 23-9b, 23-10, 23-10b, 23-10c,
107 23-10e, 23-10i, 23-11, 23-12, 23-13, 23-14, 23-15a, 23-15b, 23-16, 23-16a,
108 23-17, 23-18, 23-20, 23-21, 23-22, 23-23, 23-24, 23-24a, 23-25, 23-26b, 23-
109 26c, 23-26d, 23-26f, 23-26g, 23-30, 23-31, 23-32, 23-32a, 23-33, 23-37a, 23-
110 37b, 23-41, 23-61a, 23-61b, 23-61f, 23-65, 23-65f, 23-65g, 23-65h, 23-65i,
111 23-65j, 23-65l, 23-65m, 23-65n, 23-65o, 23-65p, 23-65q, 23-73, 23-75, 23-
112 77, 23-101, 23-102, as amended by this act, 24-2, 25-33e, 25-33k, 25-33m,
113 25-33o, as amended by this act, 25-34, 25-68b, 25-68i, 25-68k, 25-68l, 25-
114 68m, 25-68n, 25-71, 25-72, 25-74, 25-76, 25-80, 25-83a, 25-94, 25-95, 25-
115 97, 25-102a, 25-102d, 25-102e, 25-102f, 25-102t, 25-102ii, 25-102qq, 25-

116 102xx, 25-109e, 25-109q, 25-131, 25-139, 25-155, 25-157, as amended by
117 this act, 25-178, 25-199, 25-199a, 25-201, 25-231, 26-1, 26-3, 26-3a, 26-3b,
118 26-3c, 26-5, 26-6, 26-6a, 26-7, 26-15, 26-17a, 26-18, 26-25a, 26-25b, 26-27,
119 26-27b, 26-27c, 26-27d, 26-28b, 26-29c, 26-30, 26-31, 26-31a, 26-40a, 26-
120 40c, 26-46, 26-55, 26-65, 26-65a, 26-67b, 26-67c, 26-67e, 26-74, 26-80a, 26-
121 86a, 26-86c, 26-86e, 26-91, 26-103, 26-107f, 26-107h, 26-107i, 26-115, 26-
122 119, 26-141a, 26-141b, 26-141c, 26-142a, 26-142b, 26-157c, 26-157d, 26-
123 157e, 26-157h, 26-157i, 26-159a, 26-186a, 26-192j, 26-297, 26-313, 26-314,
124 26-315, 26-316, 28-1b, 28-31, 29-32b, 32-1e, 32-9dd, 32-9kk, 32-9ll, 32-
125 11a, 32-23x, 32-242, 32-242a, 32-664, 38a-684, 47-46a, 47-59b, 47-65, 47-
126 65a, 47-66, 47-66d, 47-66g, 51-164n, 52-192, 52-473a, 53-190, 53a-44a,
127 53a-54b and 53a-217e.

128 (d) Wherever the words "Department of Environmental Protection"
129 are used or referred to in the following sections of the general statutes,
130 the words "Department of Energy and Environmental Protection" shall
131 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, as
132 amended by this act, 4-66c, 4-66aa, 4-89, 4a-53, 5-142, 7-131e, 7-151a, 7-
133 151b, 7-252, 8-387, 10-282, 10-291, 10-413, 10a-119e, 12-63e, 12-263m,
134 13a-142b, 13a-142c, 13a-142d, 13b-38a, 14-386, 15-129, 15-130a, 15-140e,
135 15-140f, 15-140j, 15-154, 15-155, 16-19h, 16-19o, 16-50j, as amended by
136 this act, 16-50k, 16-50p, 16-243q, 16-244d, 16-244j, 16-245l, 16-245y, 16-
137 262m, 16-262n, 19a-197b, 19a-320, 20-420, 21-84b, 22-11f, 22-11g, 22-11h,
138 22-26cc, 22-91e, 22-455, 22a-1d, 22a-2a, 22a-2c, 22a-5b, 22a-6, 22a-6f,
139 22a-6g, 22a-6l, 22a-6p, 22a-6r, 22a-6u, 22a-6x, 22a-6cc, 22a-10, 22a-11,
140 22a-20a, 22a-21, 22a-21a, 22a-21b, 22a-21c, 22a-21i, 22a-21j, 22a-21k,
141 22a-22, 22a-25, 22a-26, 22a-26a, 22a-27j, 22a-27l, 22a-27s, 22a-29, 22a-33,
142 22a-40, 22a-47a, 22a-58, 22a-61, 22a-66z, 22a-68, 22a-115, 22a-118, 22a-
143 119, as amended by this act, 22a-122, 22a-123, 22a-126, 22a-132, 22a-
144 133v, 22a-133w, 22a-134i, 22a-135, 22a-170, 22a-174, 22a-174l, as
145 amended by this act, 22a-186, 22a-188a, 22a-196, 22a-198, as amended
146 by this act, 22a-200b, 22a-200c, 22a-200d, 22a-207, 22a-208a, 22a-209f,
147 22a-223, 22a-233a, 22a-239a, 22a-244, 22a-245a, 22a-247, 22a-248, 22a-
148 250, 22a-255h, 22a-256m, 22a-256y, 22a-259, 22a-260, 22a-264, 22a-275,
149 22a-314, 22a-315, 22a-336, 22a-352, 22a-355, 22a-361, 22a-363b, 22a-416,

150 22a-426, 22a-446, 22a-449f, 22a-449l, 22a-449n, 22a-454a, 22a-475, 22a-
151 477, 22a-509, 22a-521, 22a-601, 22a-629, 22a-630, 22a-635, 23-5c, 23-8, as
152 amended by this act, 23-8b, 23-10b, 23-10d, 23-15, 23-15b, 23-19, 23-20,
153 23-24a, 23-32a, 23-61a, 23-65f, 23-65h, 23-65i, 23-65k, 23-67, 23-68, 23-72,
154 23-73, 23-101, 23-102, as amended by this act, 23-103, 25-32d, 25-33p,
155 25-37d, 25-37e, 25-37i, 25-43c, 25-102e, 25-102f, 25-128, 25-131, 25-157,
156 as amended by this act, 25-157a, 25-157b, 25-157n, 25-175, 25-201, 25-
157 206, 25-231, 26-6a, 26-15, 26-15a, 26-15b, 26-17a, 26-27b, 26-31, 26-40a,
158 26-55, 26-55a, 26-59, 26-66a, 26-66b, 26-72, 26-86f, 26-105, 26-142a, 26-
159 157d, 26-192k, 26-300, 26-304, 26-314, 28-31, 29-28, 29-36f, 30-55a, 32-1e,
160 32-9t, 32-9dd, 32-9kk, 32-9ll, 32-11a, 32-23d, 32-23x, 32-242, 32-242a, 32-
161 726, 46b-220, 47-46a, 47-64, 52-557b, 53-204, 53-205, 53-206d, 53a-44a,
162 53a-217e, 54-56g and 54-143.

163 (e) Wherever the words "Department of Public Utility Control" are
164 used or referred to in the following sections of the general statutes, the
165 words "Public Utilities Regulatory Authority" shall be substituted in
166 lieu thereof: 1-84, 1-84b, 2-20a, 2-71p, 4-38c, as amended by this act, 4a-
167 57, 4a-74, 4d-2, 4d-80, 7-223, 7-233t, 7-233ii, 8-387, 12-81q, 12-94d, 12-
168 264, 12-265, 12-408b, 12-412, 12-491, 13a-82, 13a-126a, 13b-10a, 13b-43,
169 13b-44, 13b-387a, 15-96, 16-1, as amended by this act, 16-2, as amended
170 by this act, 16-2a, 16-6, 16-6a, 16-6b, 16-7, 16-8, as amended by this act,
171 16-8b, 16-8c, 16-8d, 16-9, 16-9a, 16-10, 16-10a, 16-11, 16-12, 16-13, 16-14,
172 16-15, 16-16, 16-17, 16-18, 16-19, 16-19a, 16-19b, 16-19d, 16-19f, 16-19k,
173 16-19n, 16-19o, 16-19u, 16-19w, 16-19x, 16-19z, 16-19aa, 16-19bb, 16-
174 19cc, 16-19dd, 16-19ee, 16-19ff, 16-19gg, 16-19jj, 16-19kk, 16-19mm, 16-
175 19nn, 16-19oo, 16-19pp, 16-19qq, 16-19tt, 16-19uu, 16-19vv, 16-20, 16-21,
176 16-23, 16-24, 16-25, 16-25a, 16-26, 16-27, 16-28, 16-29, 16-32, 16-32a, 16-
177 32b, 16-32c, 16-32e, 16-32f, 16-32g, 16-33, 16-35, 16-41, 16-42, 16-43, 16-
178 43a, 16-43d, 16-44, 16-44a, 16-45, 16-46, 16-47, 16-47a, 16-48, 16-49e, 16-
179 50c, 16-50d, 16-50f, 16-50k, 16-50aa, 16-216, 16-227, 16-231, 16-233, 16-
180 234, 16-235, 16-238, 16-243, 16-243a, 16-243b, 16-243c, 16-243f, 16-243i,
181 16-243j, 16-243k, 16-243m, 16-243n, 16-243p, 16-243q, 16-243r, 16-243s,
182 16-243t, 16-243u, 16-243v, 16-243w, 16-244a, 16-244b, 16-244c, as
183 amended by this act, 16-244d, 16-244e, 16-244f, 16-244g, 16-244h, 16-

184 244i, 16-244k, 16-244l, 16-245, 16-245a, 16-245b, 16-245c, 16-245e, 16-
185 245g, 16-245l, 16-245p, 16-245q, 16-245s, 16-245t, 16-245u, 16-245v, 16-
186 245w, 16-245x, 16-245aa, 16-246, 16-246e, 16-246g, 16-247c, 16-247j, 16-
187 247l, 16-247m, 16-247o, 16-247p, 16-247t, 16-249, 16-250, 16-250a, 16-
188 250b, 16-256b, 16-256c, 16-256h, 16-256k, 16-258a, 16-258b, 16-258c, 16-
189 259, 16-261, 16-262a, 16-262c, 16-262d, 16-262i, 16-262j, 16-262k, 16-262l,
190 16-262m, 16-262n, 16-262o, 16-262q, 16-262r, 16-262s, 16-262v, 16-262w,
191 16-262x, 16-265, 16-269, 16-271, 16-272, 16-273, 16-274, 16-275, 16-276,
192 16-278, 16-280a, 16-280b, 16-280d, 16-280e, 16-280f, 16-280h, 16-281a,
193 16-331, 16-331c, 16-331e, 16-331f, 16-331g, 16-331h, 16-331i, 16-331j, 16-
194 331k, 16-331n, 16-331o, 16-331p, 16-331q, 16-331r, 16-331t, 16-331u, 16-
195 331v, 16-331y, 16-331z, 16-331aa, 16-331cc, 16-331dd, 16-331ff, 16-
196 331gg, 16-332, 16-333, 16-333a, 16-333b, 16-333e, 16-333f, 16-333g, 16-
197 333h, 16-333i, 16-333l, 16-333n, 16-333o, 16-333p, 16-347, 16-348, 16-356,
198 16-357, 16-358, 16-359, 16a-3b, 16a-3c, as amendeded by this act, 16a-7b,
199 as amended by this act, 16a-7c, as amended by this act, 16a-13b, 16a-
200 37c, subsection (b) of section 16a-38n, 16a-38o, 16a-40b, 16a-40k, 16a-41,
201 16a-46, 16a-46b, 16a-46c, 16a-47a, 16a-47b, 16a-47c, 16a-47d, 16a-47e,
202 16a-48, 16a-49, 16a-103, 20-298, 20-309, 20-340, 20-340a, 20-341k, 20-
203 341z, 20-357, 20-541, 22a-174l, as amended by this act, 22a-256dd, 22a-
204 266, 22a-358, 22a-475, 22a-478, 22a-479, 23-8b, 23-65, 25-33a, 25-33h, 25-
205 33k, 25-33l, 25-33p, 25-37d, 25-37e, 26-141b, 28-1b, 28-24, as amended
206 by this act, 28-26, 28-27, 28-31, 29-282, 29-415, 32-80a, 32-222, 33-219, 33-
207 221, 33-241, 33-951, 42-287, 43-44, 49-4c and 52-259a.

208 (f) Wherever the words "Secretary of the Office of Policy and
209 Management" are used or referred to in the following sections of title
210 16a of the general statutes, the words "Commissioner of Energy and
211 Environmental Protection" shall be substituted in lieu thereof: 16a-4d,
212 16a-14, 16a-22, 16a-22c, as amended by this act, 16a-22h, 16a-22i, 16a-
213 22j, 16a-23t, as amended by this act, 16a-37f, 16a-38, 16a-38a, 16a-38b,
214 16a-38i, 16a-38j, 16a-39b, 16a-40b, 16a-44b, 16a-46a, 16a-46b, 16a-46c,
215 16a-46e, 16a-46f and 16a-102.

216 (g) Wherever the words "Office of Policy and Management" are
217 used or referred to in the following sections of title 16a of the general

218 statutes, the words "Department of Energy and Environmental
219 Protection" shall be substituted in lieu thereof: 16a-2, 16a-3, as
220 amended by this act, 16a-4d, 16a-6, 16a-7b, as amended by this act, 16a-
221 14, 16a-14e, 16a-20, 16a-22, 16a-22c, as amended by this act, 16a-22h,
222 16a-22j, 16a-37c, 16a-37f, 16a-37v, 16a-38, 16a-38a, 16a-38b, 16a-38i, 16a-
223 38j, 16a-38k, as amended by this act, 16a-38l, 16a-39b, 16a-40b, 16a-44b,
224 16a-46a, 16a-46c, 16a-46e, 16a-46f, 16a-46g, 16a-102 and 16a-106.

225 (h) Wherever the word "secretary" is used or referred to in the
226 following sections of title 16a of the general statutes, the word
227 "commissioner" shall be substituted in lieu thereof: 16a-2, 16a-3, as
228 amended by this act, 16a-4d, 16a-6, 16a-9, 16a-13, 16a-13a, 16a-13b, 16a-
229 14, 16a-14a, 16a-14b, 16a-22, 16a-22c, as amended by this act, 16a-22d,
230 16a-22e, 16a-22f, 16a-22h, 16a-22i, 16a-22j, 16a-23t, as amended by this
231 act, 16a-37f, 16a-38, 16a-38a, 16a-38b, 16a-38i, 16a-38j, 16a-38k, as
232 amended by this act, 16a-39b, 16a-40b, 16a-44b, 16a-45a, 16a-46a, 16a-
233 46c, 16a-46e, 16a-46f, 16a-102 and 16a-106.

234 (i) Wherever the word "department" is used or referred to in the
235 following sections, the word "authority" shall be substituted in lieu
236 thereof: 16-9, 16-9a, 16-10, 16-11, 16-13, 16-14, 16-16, 16-17, 16-19, 16-
237 19b, 16-19d, 16-244d, 16-245a, 16-245f, 16-245g, 16-246g, 16-245h, 16-
238 245i, 16-245j, 16-245k, 16-245n, 16-245p, 16-247b, 16-247e, 16-247f, 16-
239 247g, 16-247h, 16-247l, 16-247n, 16-247t, 16-262v, 16-280a, 16-331 and
240 16-333d.

241 (j) Wherever the words "Renewable Energy Investment Fund" are
242 used or referred to in the following sections of the general statutes, the
243 words "Clean Energy Fund" shall be substituted in lieu thereof: 16-1,
244 16-243q, 16-245, 16-245e, 16-245f, 16-245i, 16-245j, 16-245w, 16-245aa,
245 16a-38p, and 32-9ww.

246 (k) Wherever the term "Department of Environmental Protection" or
247 "Department of Public Utility Control" is used or referred to in any
248 public or special act of 2011, or in any section of the general statutes
249 which is amended in 2011, "Department of Energy and Environmental

250 Protection" shall be substituted in lieu thereof.

251 (l) Wherever the term "Commissioner of Environmental Protection"
252 is used or referred to in any public or special act of 2011, or in any
253 section of the general statutes which is amended in 2011,
254 "Commissioner of Energy and Environmental Protection" shall be
255 substituted in lieu thereof.

256 (m) The Legislative Commissioners' Office shall, in codifying the
257 provisions of this section, make such conforming, technical,
258 grammatical and punctuation changes as are necessary to carry out the
259 purposes of this section.

260 Sec. 2. Subsection (b) of section 2c-2b of the general statutes is
261 repealed and the following is substituted in lieu thereof (*Effective July*
262 *1, 2011*):

263 (b) The following governmental entities and programs are
264 terminated, effective July 1, 2014, unless reestablished in accordance
265 with the provisions of section 2c-10:

266 (1) Program of regulation of sanitarians, established under chapter
267 395;

268 (2) Program of regulation of subsurface sewage disposal system
269 installers and cleaners, established under chapter 393a;

270 (3) Program of regulation of bedding and upholstered furniture
271 established by sections 21a-231 to 21a-236, inclusive;

272 (4) Regional mental health boards, established under section 17a-
273 484;

274 (5) Repealed by P.A. 88-285, S. 34, 35;

275 (6) All advisory boards for state hospitals and facilities, established
276 under section 17a-470;

277 (7) Repealed by P.A. 85-613, S. 153, 154;

278 (8) State Board of Examiners for Physical Therapists, established
279 under section 20-67;

280 (9) Commission on Medicolegal Investigations, established under
281 subsection (a) of section 19a-401;

282 (10) Board of Mental Health and Addiction Services, established
283 under section 17a-456;

284 (11) Repealed by P.A. 95-257, S. 57, 58;

285 (12) Commission on Prison and Jail Overcrowding established
286 under section 18-87j; and

287 (13) [The residential energy conservation service program
288 authorized under sections 16a-45a, 16a-46 and 16a-46a] Repealed by
289 section 141 of this act.

290 Sec. 3. Section 4-5 of the general statutes is repealed and the
291 following is substituted in lieu thereof (*Effective July 1, 2011*):

292 As used in sections 4-6, 4-7 and 4-8, the term "department head"
293 means Secretary of the Office of Policy and Management,
294 Commissioner of Administrative Services, Commissioner of Revenue
295 Services, Banking Commissioner, Commissioner of Children and
296 Families, Commissioner of Consumer Protection, Commissioner of
297 Correction, Commissioner of Economic and Community Development,
298 State Board of Education, Commissioner of Emergency Management
299 and Homeland Security, Commissioner of Energy and Environmental
300 Protection, Commissioner of Agriculture, Commissioner of Public
301 Health, Insurance Commissioner, Labor Commissioner, Liquor
302 Control Commission, Commissioner of Mental Health and Addiction
303 Services, Commissioner of Public Safety, Commissioner of Social
304 Services, Commissioner of Developmental Services, Commissioner of
305 Motor Vehicles, Commissioner of Transportation, Commissioner of
306 Public Works, Commissioner of Veterans' Affairs, Chief Information
307 Officer, [the chairperson of the Public Utilities Control Authority,] the

308 executive director of the Board of Education and Services for the Blind,
309 the executive director of the Connecticut Commission on Culture and
310 Tourism, and the executive director of the Office of Military Affairs. As
311 used in sections 4-6 and 4-7, "department head" also means the
312 Commissioner of Education.

313 Sec. 4. Section 4-38c of the general statutes is repealed and the
314 following is substituted in lieu thereof (*Effective July 1, 2011*):

315 There shall be within the executive branch of state government the
316 following departments: Office of Policy and Management, Department
317 of Administrative Services, Department of Revenue Services,
318 Department of Banking, Department of Agriculture, Department of
319 Children and Families, Department of Consumer Protection,
320 Department of Correction, Department of Economic and Community
321 Development, State Board of Education, Department of Emergency
322 Management and Homeland Security, Department of Energy and
323 Environmental Protection, Department of Public Health, Board of
324 Governors of Higher Education, Insurance Department, Labor
325 Department, Department of Mental Health and Addiction Services,
326 Department of Developmental Services, Department of Public Safety,
327 Department of Social Services, Department of Transportation,
328 Department of Motor Vehicles, Department of Veterans' Affairs [,] and
329 Department of Public Works. [and Department of Public Utility
330 Control.]

331 Sec. 5. Section 4-67e of the general statutes is repealed and the
332 following is substituted in lieu thereof (*Effective July 1, 2011*):

333 The Secretary of the Office of Policy and Management shall
334 coordinate the activity of the Commissioners of Public Health and
335 Energy and Environmental Protection [and the chairperson of the
336 Public Utilities Control Authority] in the following: (1) The review of
337 the authority of each agency for consistency with the policies
338 established by section 22a-380, (2) the preparation of a memorandum
339 of understanding, not more than six months after October 1, 1991,

intended to avoid inconsistency, overlap and redundancy in requirements and authority of each agency in water conservation issues, emergency contingency plans and regulatory authority under chapters 283, 446i, 446j and 474, (3) the review of exercise of regulatory authority over water companies, as defined in section 25-32a, to determine whether inconsistency, overlap or redundancy exist in the statutory requirements or regulatory authority of such agencies under chapters 283, 446i, 446j, and 474, (4) the assessment of the necessity of a memorandum of understanding to avoid such inconsistency, overlap or redundancy, and, if determined to be necessary, the preparation of such a memorandum by July 1, 1995, and (5) the development of recommendations for legislation and amendments to regulations to implement the provisions of a memorandum of understanding prepared pursuant to this section, or for consistency with the policies established by section 22a-380. There shall be a period of public review and comment on a memorandum of understanding prior to final agreement. On or before January 1, 1995, the secretary shall submit to the joint standing committees of the General Assembly having cognizance of matters relating to public health, energy and public utilities and the environment, written findings, and any recommendations, concerning the review and assessment conducted pursuant to subdivisions (3) and (4) of this section.

Sec. 6. Section 4b-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Each state agency having care, control and supervision of state property, including the Judicial Department and the Joint Committee on Legislative Management of the General Assembly, shall prepare on or before October 1, 1990, and thereafter periodically update, in consultation with the Commissioners of Energy and Environmental Protection and Public Works, a plan for each facility under its care, control or supervision to (1) reduce the use of disposable and single-use products, in accordance with the plan adopted by the Commissioner of Administrative Services pursuant to section 4a-67b, (2) separate and collect items designated as either suitable or required

374 for recycling pursuant to section 22a-241b. Such plan shall establish a
375 schedule for implementation of the policies recommended in the plan.

376 (b) Each such agency shall, on or before October 1, 1991, and
377 annually thereafter, submit to the Commissioner of Energy and
378 Environmental Protection and the joint standing committee of the
379 General Assembly having cognizance of matters relating to the
380 environment a report on implementation of the recycling plan. Such
381 report shall be on a form prescribed by the commissioner and shall
382 provide such information the commissioner deems necessary.

383 (c) The Governor, the Joint Committee on Legislative Management
384 and the Commissioners of Energy and Environmental Protection and
385 Administrative Services, for the central offices of the Departments of
386 Energy and Environmental Protection and Administrative Services,
387 shall implement a white paper recycling program to begin on or before
388 January 1, 1989. Each other state agency, department or institution
389 shall implement such program on or before January 1, 1991.

390 Sec. 7. Subsections (a) and (b) of section 4b-47 of the general statutes
391 are repealed and the following is substituted in lieu thereof (*Effective*
392 *July 1, 2011*):

393 (a) Prior to the sale or transfer of state land or any interest in state
394 land by a state agency, department or institution, such agency,
395 department or institution shall provide notice of such sale or transfer
396 to the Council on Environmental Quality, the Secretary of the Office of
397 Policy and Management and the Commissioner of Energy and
398 Environmental Protection on a form approved by the Council on
399 Environmental Quality. Such notice shall be published in the
400 Environmental Monitor and shall provide for a written public
401 comment period of thirty days following publication of such notice,
402 during which the public and state agencies may submit comments to
403 the Secretary of the Office of Policy and Management. Such comments
404 may include, but shall not be limited to, significant natural and
405 recreational resources on such land and recommend means to preserve

406 such natural or recreational resources. The Secretary of the Office of
407 Policy and Management, in consultation with the Commissioner of
408 Energy and Environmental Protection, shall (1) respond to any written
409 comments received during such thirty-day comment period, and (2)
410 publish such written comments along with the Office of Policy and
411 Management's response to such written comments in the
412 Environmental Monitor for a period of not less than fifteen days prior
413 to the sale or transfer of the land.

414 (b) The Commissioner of Energy and Environmental Protection
415 shall develop a policy for reviewing notices received from a state
416 agency, department or institution, as described in subsection (a) of this
417 section, and making a draft recommendation to the Secretary of the
418 Office of Policy and Management as to whether all or a portion of the
419 land or land interest referenced in such notice should be preserved by
420 (1) transferring the land or land interest or granting a conservation
421 easement therein to the Department of Energy and Environmental
422 Protection, (2) imposing restrictions or conditions upon the transfer of
423 the land or land interest, or (3) transferring all or a portion of the land
424 or land interest, or granting a conservation easement interest therein,
425 to an appropriate third party. Any such recommendations shall be
426 accompanied by a report explaining the basis of the recommendations
427 and shall include, where appropriate, a natural resource inventory.
428 Such recommendations and report shall be published in the
429 Environmental Monitor and shall provide for a written public
430 comment period of thirty days following publication of such notice.
431 The Commissioner of Energy and Environmental Protection shall (A)
432 respond to any written comments received during such thirty-day
433 comment period, (B) make a final recommendation to the Secretary of
434 the Office of Policy and Management, and (C) publish such written
435 comments along with the Department of Energy and Environmental
436 Protection's response to such written comments including the
437 department's final recommendation to the secretary in the
438 Environmental Monitor. Following receipt of the final
439 recommendation of the Commissioner of Energy and Environmental

440 Protection, the Secretary of the Office of Policy and Management shall
441 make the final determination as to the ultimate disposition of the land
442 or interest. Such determination shall be published in the
443 Environmental Monitor for a period of not less than fifteen days prior
444 to the sale or transfer of such land or interest.

445 Sec. 8. Subsection (a) of section 4d-90 of the general statutes is
446 repealed and the following is substituted in lieu thereof (*Effective July*
447 *1, 2011*):

448 (a) There is established a Geospatial Information Systems Council
449 consisting of the following members, or their designees: (1) The
450 Secretary of the Office of Policy and Management; (2) the
451 Commissioners of Energy and Environmental Protection, Economic
452 and Community Development, Transportation, Public Safety, Public
453 Health, Public Works, Agriculture, Emergency Management and
454 Homeland Security and Social Services; (3) the Chief Information
455 Officer of the Department of Information Technology; (4) the
456 Chancellor of the Connecticut State University System; (5) the
457 president of The University of Connecticut; (6) [the Executive Director
458 of the Connecticut Siting Council; (7)] one member who is a user of
459 geospatial information systems appointed by the president pro
460 tempore of the Senate representing a municipality with a population of
461 more than sixty thousand; [(8)] (7) one member who is a user of
462 geospatial information systems appointed by the minority leader of the
463 Senate representing a regional planning agency; [(9)] (8) one member
464 who is a user of geospatial information systems appointed by the
465 Governor representing a municipality with a population of less than
466 sixty thousand but more than thirty thousand; [(10)] (9) one member
467 who is a user of geospatial information systems appointed by the
468 speaker of the House of Representatives representing a municipality
469 with a population of less than thirty thousand; [(11)] (10) one member
470 appointed by the minority leader of the House of Representatives who
471 is a user of geospatial information systems; [(12) the chairperson of the
472 Public Utilities Control Authority; (13)] (11) the Adjutant General of
473 the Military Department; and [(14)] (12) any other persons the council

474 deems necessary appointed by the council. The Governor shall select
475 the chairperson from among the members. The chairperson shall
476 administer the affairs of the council. Vacancies shall be filled by
477 appointment by the authority making the appointment. Members shall
478 receive no compensation for their services on said council, but shall be
479 reimbursed for necessary expenses incurred in the performance of
480 their duties. Said council shall hold one meeting each calendar quarter
481 and such additional meetings as may be prescribed by council rules. In
482 addition, special meetings may be called by the chairperson or by any
483 three members upon delivery of forty-eight hours written notice to
484 each member.

485 Sec. 9. Section 13a-126 of the general statutes is repealed and the
486 following is substituted in lieu thereof (*Effective July 1, 2011*):

487 As used in this section, "public service facility" includes all
488 privately, publicly or cooperatively owned lines, facilities and systems
489 for producing, transmitting or distributing communications, cable
490 television, power, electricity, light, heat, gas, oil, crude products,
491 water, steam, waste, storm water not connected with highway
492 drainage and any other similar commodities, including fire and police
493 signal systems and street lighting systems which directly or indirectly
494 serve the public. Whenever the commissioner determines that any
495 public service facility located within, on, along, over or under any land
496 comprising the right-of-way of a state highway or any other public
497 highway when necessitated by the construction or reconstruction of a
498 state highway shall be readjusted or relocated in or removed from such
499 right-of-way, the commissioner shall issue an appropriate order to the
500 company, corporation or municipality owning or operating such
501 facility, and such company, corporation or municipality shall readjust,
502 relocate or remove the same promptly in accordance with such order;
503 provided an equitable share of the cost of such readjustment,
504 relocation or removal, including the cost of installing and constructing
505 a facility of equal capacity in a new location, shall be borne by the
506 state, except that the state shall not bear any share of the cost of a
507 project of an electric distribution company, as defined in section 16-1,

508 to readjust, relocate or remove any facility, as defined in subsection (a)
509 of section 16-50i, used for transmitting electricity or as an electric
510 transmission trunkline. The Department of Transportation shall
511 evaluate the total costs of such a project, including department costs
512 for construction or reconstruction and electric distribution company
513 costs for readjusting, relocating or removing such facility, so as to
514 minimize the overall costs incurred by the state and the electric
515 distribution company. The electric distribution company may provide
516 the department with proposed alternatives to the relocation,
517 readjustment or removal proposed by the department and shall be
518 responsible for any changes to project costs attributable to adoption of
519 the company's proposed alternative designs for such project, including
520 changes to the area of the relocation, readjustment or removal and any
521 incremental costs incurred by the department to evaluate such
522 alternatives. If such electric distribution company and the department
523 cannot agree on a plan for such project, the Commissioner of
524 Transportation and the chairperson of the [Department of Public
525 Utility Control] Public Utilities Regulatory Authority shall, on request
526 of the company, jointly determine the alternative for the project. Such
527 equitable share, in the case of or in connection with the construction or
528 reconstruction of any limited access highway, shall be the entire cost,
529 less the deductions provided in this section, and, in the case of or in
530 connection with the construction or reconstruction of any other state
531 highway, shall be such portion or all of the entire cost, less the
532 deductions provided in this section, as may be fair and just under all
533 the circumstances, but shall not be less than fifty per cent of such cost
534 after the deductions provided in this section. In establishing the
535 equitable share of the cost to be borne by the state, there shall be
536 deducted from the cost of the readjusted, relocated or removed
537 facilities a sum based on a consideration of the value of materials
538 salvaged from existing installations, the cost of the original installation,
539 the life expectancy of the original facility and the unexpired term of
540 such life use. When any facility is removed from the right-of-way of a
541 public highway to a private right-of-way, the state shall not pay for
542 such private right-of-way, provided, when a municipally-owned

543 facility is thus removed from a municipally-owned highway, the state
544 shall pay for the private right-of-way needed by the municipality for
545 such relocation. If the commissioner and the company, corporation or
546 municipality owning or operating such facility cannot agree upon the
547 share of the cost to be borne by the state, either may apply to the
548 superior court for the judicial district within which such highway is
549 situated, or, if said court is not in session, to any judge thereof, for a
550 determination of the cost to be borne by the state, and said court or
551 such judge, after causing notice of the pendency of such application to
552 be given to the other party, shall appoint a state referee to make such
553 determination. Such referee, having given at least ten days' notice to
554 the parties interested of the time and place of the hearing, shall hear
555 both parties, shall view such highway, shall take such testimony as
556 such referee deems material and shall thereupon determine the
557 amount of the cost to be borne by the state and immediately report to
558 the court. If the report is accepted by the court, such determination
559 shall, subject to right of appeal as in civil actions, be conclusive upon
560 both parties.

561 Sec. 10. Section 13b-4b of the general statutes is repealed and the
562 following is substituted in lieu thereof (*Effective July 1, 2011*):

563 Wherever the term "Public Utilities [Control] Regulatory Authority"
564 occurs or is referred to in chapters 245, 245a and 245b relating to the
565 duties and responsibilities of said authority, it shall be deemed to
566 mean or refer to the Commissioner of Transportation.

567 Sec. 11. Section 13b-31c of the general statutes is repealed and the
568 following is substituted in lieu thereof (*Effective July 1, 2011*):

569 The Commissioner of Transportation, in consultation with the
570 Commissioners of Energy and Environmental Protection and
571 Economic and Community Development, may designate state
572 highways or portions thereof as scenic roads. Any alteration of a scenic
573 road shall maintain the character of such road when so designated, if
574 practical.

575 Sec. 12. Section 13b-31e of the general statutes is repealed and the
576 following is substituted in lieu thereof (*Effective July 1, 2011*):

577 The Commissioner of Transportation, in consultation with the
578 Commissioners of Energy and Environmental Protection and
579 Economic and Community Development, shall adopt regulations in
580 accordance with the provisions of chapter 54 setting forth special
581 maintenance and improvement standards for scenic roads which shall
582 include provisions for widening of the right-of-way or traveled portion
583 of the highway and for guardrails, paving, changes of grade,
584 straightening and removal of stone walls or mature trees. In adopting
585 such regulations the commissioner shall consider the protection of
586 historic and natural features of scenic roads.

587 Sec. 13. Subsection (e) of section 15-155 of the general statutes is
588 repealed and the following is substituted in lieu thereof (*Effective July*
589 *1, 2011*):

590 (e) The Commissioners of Energy and Environmental Protection
591 and Motor Vehicles shall annually on or before December thirty-first,
592 submit separate reports to the joint standing committee of the General
593 Assembly having cognizance of matters relating to state finance,
594 revenue and bonding, on the operation of the boating account. The
595 report shall contain a detailed statement of expenditures related to
596 each of the purposes set forth in subsection (b) for the twelve-month
597 period ending October thirty-first, a projected budget for such
598 purposes for the next succeeding twelve-month period and
599 recommendations, if any, concerning the operation of the account and
600 the boating safety and enforcement programs.

601 Sec. 14. Section 16-1 of the general statutes is repealed and the
602 following is substituted in lieu thereof (*Effective July 1, 2011*):

603 (a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a
604 and 245b shall be construed as follows, unless another meaning is
605 expressed or is clearly apparent from the language or context:

606 (1) "Authority" means the Public Utilities [Control] Regulatory
607 Authority and "department" means the Department of [Public Utility
608 Control] Energy and Environmental Protection;

609 (2) ["Commissioner"] "Director" means a member of said authority;

610 (3) "Commissioner of Transportation" means the Commissioner of
611 Transportation appointed under section 13b-3;

612 (4) "Public service company" includes electric, electric distribution,
613 gas, telephone, telegraph, pipeline, sewage, water and community
614 antenna television companies and holders of a certificate of cable
615 franchise authority, owning, leasing, maintaining, operating,
616 managing or controlling plants or parts of plants or equipment, and all
617 express companies having special privileges on railroads within this
618 state, but shall not include telegraph company functions concerning
619 intrastate money order service, towns, cities, boroughs, any municipal
620 corporation or department thereof, whether separately incorporated or
621 not, a private power producer, as defined in section 16-243b, or an
622 exempt wholesale generator, as defined in 15 USC 79z-5a;

623 (5) "Plant" includes all real estate, buildings, tracks, pipes, mains,
624 poles, wires and other fixed or stationary construction and equipment,
625 wherever located, used in the conduct of the business of the company;

626 (6) "Railroad company" includes every person owning, leasing,
627 maintaining, operating, managing or controlling any railroad, or any
628 cars or other equipment employed thereon or in connection therewith,
629 for public or general use within this state;

630 (7) "Street railway company" includes every person owning, leasing,
631 maintaining, operating, managing or controlling any street railway, or
632 any cars or other equipment employed thereon or in connection
633 therewith, for public or general use within this state;

634 (8) "Electric company" includes, until an electric company has been
635 unbundled in accordance with the provisions of section 16-244e, every

636 person owning, leasing, maintaining, operating, managing or
637 controlling poles, wires, conduits or other fixtures, along public
638 highways or streets, for the transmission or distribution of electric
639 current for sale for light, heat or power within this state, or, engaged in
640 generating electricity to be so transmitted or distributed for such
641 purpose, but shall not include (A) a private power producer, as
642 defined in section 16-243b, (B) an exempt wholesale generator, as
643 defined in 15 USC 79z-5a, (C) a municipal electric utility established
644 under chapter 101, (D) a municipal electric energy cooperative
645 established under chapter 101a, (E) an electric cooperative established
646 under chapter 597, or (F) any other electric utility owned, leased,
647 maintained, operated, managed or controlled by any unit of local
648 government under any general statute or any public or special act;

649 (9) "Gas company" includes every person owning, leasing,
650 maintaining, operating, managing or controlling mains, pipes or other
651 fixtures, in public highways or streets, for the transmission or
652 distribution of gas for sale for heat or power within this state, or
653 engaged in the manufacture of gas to be so transmitted or distributed
654 for such purpose, but shall not include a person manufacturing gas
655 through the use of a biomass gasification plant provided such person
656 does not own, lease, maintain, operate, manage or control mains, pipes
657 or other fixtures in public highways or streets, a municipal gas utility
658 established under chapter 101 or any other gas utility owned, leased,
659 maintained, operated, managed or controlled by any unit of local
660 government under any general statute or any public or special act;

661 (10) "Water company" includes every person owning, leasing,
662 maintaining, operating, managing or controlling any pond, lake,
663 reservoir, stream, well or distributing plant or system employed for
664 the purpose of supplying water to fifty or more consumers. A water
665 company does not include homeowners, condominium associations
666 providing water only to their members, homeowners associations
667 providing water to customers at least eighty per cent of whom are
668 members of such associations, a municipal waterworks system
669 established under chapter 102, a district, metropolitan district,

670 municipal district or special services district established under chapter
671 105, chapter 105a or any other general statute or any public or special
672 act which is authorized to supply water, or any other waterworks
673 system owned, leased, maintained, operated, managed or controlled
674 by any unit of local government under any general statute or any
675 public or special act;

676 (11) "Consumer" means any private dwelling, boardinghouse,
677 apartment, store, office building, institution, mechanical or
678 manufacturing establishment or other place of business or industry to
679 which water is supplied by a water company;

680 (12) "Sewage company" includes every person owning, leasing,
681 maintaining, operating, managing or controlling, for general use in any
682 town, city or borough, or portion thereof, in this state, sewage disposal
683 facilities which discharge treated effluent into any waterway of this
684 state;

685 (13) "Pipeline company" includes every person owning, leasing,
686 maintaining, operating, managing or controlling mains, pipes or other
687 fixtures through, over, across or under any public land, water,
688 parkways, highways, parks or public grounds for the transportation,
689 transmission or distribution of petroleum products for hire within this
690 state;

691 (14) "Community antenna television company" includes every
692 person owning, leasing, maintaining, operating, managing or
693 controlling a community antenna television system, in, under or over
694 any public street or highway, for the purpose of providing community
695 antenna television service for hire and shall include any municipality
696 which owns or operates one or more plants for the manufacture or
697 distribution of electricity pursuant to section 7-213 or any special act
698 and seeks to obtain or obtains a certificate of public convenience and
699 necessity to construct or operate a community antenna television
700 system pursuant to section 16-331 or a certificate of cable franchise
701 authority pursuant to section 16-331q. "Community antenna television

702 company" does not include a certified competitive video service
703 provider;

704 (15) "Community antenna television service" means (A) the one-way
705 transmission to subscribers of video programming or information that
706 a community antenna television company makes available to all
707 subscribers generally, and subscriber interaction, if any, which is
708 required for the selection of such video programming or information,
709 and (B) noncable communications service. "Community antenna
710 television service" does not include video service provided by a
711 certified competitive video service provider;

712 (16) "Community antenna television system" means a facility,
713 consisting of a set of closed transmission paths and associated signal
714 generation, reception and control equipment that is designed to
715 provide community antenna television service which includes video
716 programming and which is provided in, under or over any public
717 street or highway, for hire, to multiple subscribers within a franchise,
718 but such term does not include (A) a facility that serves only to
719 retransmit the television signals of one or more television broadcast
720 stations; (B) a facility that serves only subscribers in one or more
721 multiple unit dwellings under common ownership, control or
722 management, unless such facility is located in, under or over a public
723 street or highway; (C) a facility of a common carrier which is subject, in
724 whole or in part, to the provisions of Subchapter II of Chapter 5 of the
725 Communications Act of 1934, 47 USC 201 et seq., as amended, except
726 that such facility shall be considered a community antenna television
727 system and the carrier shall be considered a public service company to
728 the extent such facility is used in the transmission of video
729 programming directly to subscribers; or (D) a facility of an electric
730 company which is used solely for operating its electric company
731 systems. "Community antenna television system" does not include a
732 facility used by a certified competitive video service provider to
733 provide video service;

734 (17) "Video programming" means programming provided by, or

735 generally considered comparable to programming provided by, a
736 television broadcast station;

737 (18) "Noncable communications service" means any
738 telecommunications service, as defined in section 16-247a, and which is
739 not included in the definition of "cable service" in the Communications
740 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall
741 be construed to affect service which is both authorized and preempted
742 pursuant to federal law;

743 (19) "Public service motor vehicle" includes all motor vehicles used
744 for the transportation of passengers for hire;

745 (20) "Motor bus" includes any public service motor vehicle operated
746 in whole or in part upon any street or highway, by indiscriminately
747 receiving or discharging passengers, or operated on a regular route or
748 over any portion thereof, or operated between fixed termini, and any
749 public service motor vehicle operated over highways within this state
750 between points outside this state or between points within this state
751 and points outside this state;

752 (21) "Cogeneration technology" means the use for the generation of
753 electricity of exhaust steam, waste steam, heat or resultant energy from
754 an industrial, commercial or manufacturing plant or process, or the use
755 of exhaust steam, waste steam or heat from a thermal power plant for
756 an industrial, commercial or manufacturing plant or process, but shall
757 not include steam or heat developed solely for electrical power
758 generation;

759 (22) "Renewable fuel resources" means energy sources described in
760 subdivisions (26) and (27) of this subsection;

761 (23) "Telephone company" means a telecommunications company
762 that provides one or more noncompetitive or emerging competitive
763 services, as defined in section 16-247a;

764 (24) "Domestic telephone company" includes any telephone

765 company which has been chartered by or organized or constituted
766 within or under the laws of this state;

767 (25) "Telecommunications company" means a person that provides
768 telecommunications service, as defined in section 16-247a, within the
769 state, but shall not mean a person that provides only (A) private
770 telecommunications service, as defined in section 16-247a, (B) the
771 one-way transmission of video programming or other programming
772 services to subscribers, (C) subscriber interaction, if any, which is
773 required for the selection of such video programming or other
774 programming services, (D) the two-way transmission of educational or
775 instructional programming to a public or private elementary or
776 secondary school, or a public or independent institution of higher
777 education, as required by the department pursuant to a community
778 antenna television company franchise agreement, or provided
779 pursuant to a contract with such a school or institution which contract
780 has been filed with the department, or (E) a combination of the services
781 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

782 (26) "Class I renewable energy source" means (A) energy derived
783 from solar power, wind power, a fuel cell, methane gas from landfills,
784 ocean thermal power, wave or tidal power, low emission advanced
785 renewable energy conversion technologies, a run-of-the-river
786 hydropower facility provided such facility has a generating capacity of
787 not more than five megawatts, does not cause an appreciable change in
788 the river flow, and began operation after July 1, 2003, or a sustainable
789 biomass facility with an average emission rate of equal to or less than
790 .075 pounds of nitrogen oxides per million BTU of heat input for the
791 previous calendar quarter, except that energy derived from a
792 sustainable biomass facility with a capacity of less than five hundred
793 kilowatts that began construction before July 1, 2003, may be
794 considered a Class I renewable energy source, or (B) any electrical
795 generation, including distributed generation, generated from a Class I
796 renewable energy source;

797 (27) "Class II renewable energy source" means energy derived from

798 a trash-to-energy facility, a biomass facility that began operation before
799 July 1, 1998, provided the average emission rate for such facility is
800 equal to or less than .2 pounds of nitrogen oxides per million BTU of
801 heat input for the previous calendar quarter, or a run-of-the-river
802 hydropower facility provided such facility has a generating capacity of
803 not more than five megawatts, does not cause an appreciable change in
804 the riverflow, and began operation prior to July 1, 2003;

805 (28) "Electric distribution services" means the owning, leasing,
806 maintaining, operating, managing or controlling of poles, wires,
807 conduits or other fixtures along public highways or streets for the
808 distribution of electricity, or electric distribution-related services;

809 (29) "Electric distribution company" or "distribution company"
810 means any person providing electric transmission or distribution
811 services within the state, including an electric company, subject to
812 subparagraph (F) of this subdivision, but does not include: (A) A
813 private power producer, as defined in section 16-243b; (B) a municipal
814 electric utility established under chapter 101, other than a participating
815 municipal electric utility; (C) a municipal electric energy cooperative
816 established under chapter 101a; (D) an electric cooperative established
817 under chapter 597; (E) any other electric utility owned, leased,
818 maintained, operated, managed or controlled by any unit of local
819 government under any general statute or special act; (F) after an
820 electric company has been unbundled in accordance with the
821 provisions of section 16-244e, a generation entity or affiliate of the
822 former electric company; or (G) an electric supplier;

823 (30) "Electric supplier" means any person, including an electric
824 aggregator or participating municipal electric utility that is licensed by
825 the [Department of Public Utility Control] Public Utilities Regulatory
826 Authority in accordance with section 16-245, that provides electric
827 generation services to end use customers in the state using the
828 transmission or distribution facilities of an electric distribution
829 company, regardless of whether or not such person takes title to such
830 generation services, but does not include: (A) A municipal electric

831 utility established under chapter 101, other than a participating
832 municipal electric utility; (B) a municipal electric energy cooperative
833 established under chapter 101a; (C) an electric cooperative established
834 under chapter 597; (D) any other electric utility owned, leased,
835 maintained, operated, managed or controlled by any unit of local
836 government under any general statute or special act; or (E) an electric
837 distribution company in its provision of electric generation services in
838 accordance with subsection (a) or, prior to January 1, 2004, subsection
839 (c) of section 16-244c;

840 (31) "Electric aggregator" means (A) a person, municipality or
841 regional water authority that gathers together electric customers for
842 the purpose of negotiating the purchase of electric generation services
843 from an electric supplier, or (B) the Connecticut Resources Recovery
844 Authority, if it gathers together electric customers for the purpose of
845 negotiating the purchase of electric generation services from an electric
846 supplier, provided such person, municipality or authority is not
847 engaged in the purchase or resale of electric generation services, and
848 provided further such customers contract for electric generation
849 services directly with an electric supplier, and may include an electric
850 cooperative established pursuant to chapter 597;

851 (32) "Electric generation services" means electric energy, electric
852 capacity or generation-related services;

853 (33) "Electric transmission services" means electric transmission or
854 transmission-related services;

855 (34) "Generation entity or affiliate" means a corporate affiliate or, as
856 provided in subdivision (3) of subsection (a) of section 16-244e, a
857 separate division of an electric company after unbundling has occurred
858 pursuant to section 16-244e, that provides electric generation services;

859 (35) "Participating municipal electric utility" means a municipal
860 electric utility established under chapter 101 or any other electric
861 utility owned, leased, maintained, operated, managed or controlled by
862 any unit of local government under any general statute or any public

863 or special act, that is authorized by the [department] authority in
864 accordance with section 16-245c to provide electric generation services
865 to end use customers outside its service area, as defined in section
866 16-245c;

867 (36) "Person" means an individual, business, firm, corporation,
868 association, joint stock association, trust, partnership or limited
869 liability company;

870 (37) "Regional independent system operator" means the "ISO - New
871 England, Inc.", or its successor organization as approved by the
872 Federal Energy Regulatory Commission;

873 (38) "Certified telecommunications provider" means a person
874 certified by the [department] authority to provide intrastate
875 telecommunications services, as defined in section 16-247a, pursuant to
876 sections 16-247f to 16-247h, inclusive;

877 (39) "Gas registrant" means a person registered to sell natural gas
878 pursuant to section 16-258a;

879 (40) "Customer-side distributed resources" means (A) the generation
880 of electricity from a unit with a rating of not more than sixty-five
881 megawatts on the premises of a retail end user within the transmission
882 and distribution system including, but not limited to, fuel cells,
883 photovoltaic systems or small wind turbines, or (B) a reduction in the
884 demand for electricity on the premises of a retail end user in the
885 distribution system through methods of conservation and load
886 management, including, but not limited to, peak reduction systems
887 and demand response systems;

888 (41) "Federally mandated congestion charges" means any cost
889 approved by the Federal Energy Regulatory Commission as part of
890 New England Standard Market Design including, but not limited to,
891 locational marginal pricing, locational installed capacity payments, any
892 cost approved by the [Department of Public Utility Control] Public
893 Utilities Regulatory Authority to reduce federally mandated

894 congestion charges in accordance with section 7-233y, this section,
895 sections 16-19ss, as amended by this act, 16-32f, 16-50i, 16-50k, 16-50x,
896 16-243i to 16-243q, inclusive, 16-244c, 16-244e, 16-245m, 16-245n and
897 16-245z, and section 21 of public act 05-1 of the June special session
898 and reliability must run contracts;

899 (42) "Combined heat and power system" means a system that
900 produces, from a single source, both electric power and thermal energy
901 used in any process that results in an aggregate reduction in electricity
902 use;

903 (43) "Grid-side distributed resources" means the generation of
904 electricity from a unit with a rating of not more than sixty-five
905 megawatts that is connected to the transmission or distribution system,
906 which units may include, but are not limited to, units used primarily to
907 generate electricity to meet peak demand;

908 (44) "Class III source" means the electricity output from combined
909 heat and power systems with an operating efficiency level of no less
910 than fifty per cent that are part of customer-side distributed resources
911 developed at commercial and industrial facilities in this state on or
912 after January 1, 2006, a waste heat recovery system installed on or after
913 April 1, 2007, that produces electrical or thermal energy by capturing
914 preexisting waste heat or pressure from industrial or commercial
915 processes, or the electricity savings created in this state from
916 conservation and load management programs begun on or after
917 January 1, 2006;

918 (45) "Sustainable biomass" means biomass that is cultivated and
919 harvested in a sustainable manner. "Sustainable biomass" does not
920 mean construction and demolition waste, as defined in section 22a-
921 208x, finished biomass products from sawmills, paper mills or stud
922 mills, organic refuse fuel derived separately from municipal solid
923 waste, or biomass from old growth timber stands, except where (A)
924 such biomass is used in a biomass gasification plant that received
925 funding prior to May 1, 2006, from the [Renewable Energy Investment]

926 Clean Energy Fund established pursuant to section 16-245n, or (B) the
927 energy derived from such biomass is subject to a long-term power
928 purchase contract pursuant to subdivision (2) of subsection (j) of
929 section 16-244c entered into prior to May 1, 2006, (C) such biomass is
930 used in a renewable energy facility that is certified as a Class I
931 renewable energy source by the [department] authority until such time
932 as the [department] authority certifies that any biomass gasification
933 plant, as defined in subparagraph (A) of this subdivision, is
934 operational and accepting such biomass, in an amount not to exceed
935 one hundred forty thousand tons annually, is used in a renewable
936 energy facility that was certified as a Class I renewable energy source
937 by the [department] authority prior to December 31, 2007, and uses
938 biomass, including construction and demolition waste as defined in
939 section 22a-208x, from a Connecticut-sited transfer station and volume-
940 reduction facility that generated biomass during calendar year 2007
941 that was used during calendar year 2007 to generate Class I renewable
942 energy certificates, or (D) in the event there is no facility as described
943 in subparagraph (A) or (C) of this subdivision accepting such biomass,
944 in an amount not to exceed one hundred forty thousand tons annually,
945 is used in one or more other renewable energy facilities certified either
946 as a Class I or Class II renewable energy source by the [department]
947 authority, provided such facilities use biomass, including construction
948 and demolition waste as defined in said section 22a-208x, from a
949 Connecticut-sited transfer station and volume-reduction facility that
950 generated biomass during calendar year 2007 that was used during
951 calendar year 2007 to generate Class I renewable energy certificates.
952 Notwithstanding the provisions of subparagraphs (C) and (D) of this
953 subdivision, the amount of biomass specified in said subparagraphs
954 shall not apply to a biomass gasification plant, as defined in
955 subparagraph (A) of this subdivision;

956 (46) "Video service" means video programming services provided
957 through wireline facilities, a portion of which are located in the public
958 right-of-way, without regard to delivery technology, including Internet
959 protocol technology. "Video service" does not include any video

960 programming provided by a commercial mobile service provider, as
961 defined in 47 USC 332(d), any video programming provided as part of
962 community antenna television service in a franchise area as of October
963 1, 2007, any video programming provided as part of and via a service
964 that enables users to access content, information, electronic mail or
965 other services over the public Internet;

966 (47) "Certified competitive video service provider" means an entity
967 providing video service pursuant to a certificate of video franchise
968 authority issued by the [department] authority in accordance with
969 section 16-331e. "Certified competitive video service provider" does
970 not mean an entity issued a certificate of public convenience and
971 necessity in accordance with section 16-331 or the affiliates, successors
972 and assigns of such entity or an entity issued a certificate of cable
973 franchise authority in accordance with section 16-331p or the affiliates,
974 successors and assignees of such entity;

975 (48) "Certificate of video franchise authority" means an
976 authorization issued by the [Department of Public Utility Control]
977 Public Utilities Regulatory Authority conferring the right to an entity
978 or person to own, lease, maintain, operate, manage or control facilities
979 in, under or over any public highway to offer video service to any
980 subscribers in the state;

981 (49) "Certificate of cable franchise authority" means an authorization
982 issued by the [Department of Public Utility Control] Public Utilities
983 Regulatory Authority pursuant to section 16-331q conferring the right
984 to a community antenna television company to own, lease, maintain,
985 operate, manage or control a community antenna television system in,
986 under or over any public highway to (A) offer community antenna
987 television service in a community antenna television company's
988 designated franchise area, or (B) use the public rights-of-way to offer
989 video service in a designated franchise area. The certificate of cable
990 franchise authority shall be issued as an alternative to a certificate of
991 public convenience and necessity pursuant to section 16-331 and shall
992 only be available to a community antenna television company under

993 the terms specified in sections 16-331q to 16-331aa, inclusive;

994 (50) "Thermal energy transportation company" means any person
995 authorized under any provision of the general statutes or special act to
996 furnish heat or air conditioning or both, by means of steam, heated or
997 chilled water or other medium, to lay and maintain mains, pipes or
998 other conduits, and to erect such other fixtures necessary or convenient
999 in and on the streets, highways and public grounds of any
1000 municipality to carry steam, heated or chilled water or other medium
1001 from such plant to the location to be served and to return the same;
1002 [and]

1003 (51) "The Connecticut Television Network" means the General
1004 Assembly's state-wide twenty-four-hour state public affairs
1005 programming service, separate and distinct from community access
1006 channels; and

1007 (52) "Commissioner of Energy and Environmental Protection"
1008 means the Commissioner of Energy and Environmental Protection
1009 appointed pursuant to title 4.

1010 (b) Notwithstanding any provision of the general statutes, the terms
1011 "utility", "public utility" and "public service company" shall be deemed
1012 to include a community antenna television company and a holder of a
1013 certificate of cable franchise authority, except (1) as otherwise provided
1014 in sections 16-8, as amended by this act, 16-27, 16-28 and 16-43, (2) that
1015 no provision of the general statutes, including but not limited to, the
1016 provisions of sections 16-6b and 16-19, shall subject a community
1017 antenna television company to regulation as a common carrier or
1018 utility by reason of providing community antenna television service,
1019 other than noncable communications service, as provided in
1020 Subchapter V-A of Chapter 5 of the Communications Act of 1934, 47
1021 USC 521 et seq., as amended, and (3) that no provision of the general
1022 statutes, including but not limited to, sections 16-6b and 16-19, shall
1023 apply to community antenna television companies to the extent any
1024 such provision is preempted pursuant to any other provision of the

1025 Communications Act of 1934, 47 USC 151 et seq., as amended, any
1026 other federal act or any regulation adopted thereunder.

1027 Sec. 15. Section 16-2 of the general statutes is repealed and the
1028 following is substituted in lieu thereof (*Effective July 1, 2011*):

1029 (a) There shall continue to be a Public Utilities [Control] Regulatory
1030 Authority within the Department of Energy and Environmental
1031 Protection, which shall consist of [five] three electors of this state,
1032 appointed by the Governor with the advice and consent of both houses
1033 of the General Assembly. Not more than [three] two members of said
1034 authority in office at any one time shall be members of any one
1035 political party. On or before July 1, [1983, and quadrennially thereafter]
1036 2011, the Governor shall appoint three members to the authority. [and
1037 on or before July 1, 1985, and quadrennially thereafter, the Governor
1038 shall appoint two members. All such members shall serve for a term of
1039 four years.] The first director appointed by the Governor on or before
1040 July 1, 2011, who is of the same political party as that of the Governor
1041 shall serve a term of five years. The second director appointed by the
1042 Governor on or before July 1, 2011, who is of the same political party
1043 as that of the Governor shall serve a term of four years. The first
1044 director appointed by the Governor on or before July 1, 2011, who is of
1045 a different political party as that of the Governor shall serve a term of
1046 three years. Any director appointed on or after January 1, 2014, shall
1047 serve a term of four years. The procedure prescribed by section 4-7
1048 shall apply to such appointments, except that the Governor shall
1049 submit each nomination on or before May first, and both houses shall
1050 confirm or reject it before adjournment sine die. The [commissioners]
1051 directors shall be sworn to the faithful performance of their duties. The
1052 term of any commissioner serving on June 30, 2011, shall be
1053 terminated.

1054 (b) The authority shall elect a chairperson and vice-chairperson each
1055 June for one-year terms starting on July first of the same year. The vice-
1056 chairperson shall perform the duties of the chairperson in his or her
1057 absence.

1058 (c) Any matter coming before the authority may be assigned by the
1059 chairperson to a panel of [three commissioners, not more than two of
1060 whom shall be members of the same political party] one or more
1061 directors. Except as otherwise provided by statute or regulation, the
1062 panel shall determine whether a public hearing shall be held on the
1063 matter, and may designate one or two of its members to conduct such
1064 hearing or [appoint an examiner] request the appointment of a hearing
1065 officer to ascertain the facts and report thereon to the panel. The
1066 decision of the panel, if unanimous, shall be the decision of the
1067 authority. If the decision of the panel is not unanimous, the matter
1068 shall be [referred to the entire authority for decision] approved by a
1069 majority vote of the panel.

1070 (d) The [commissioners] directors of the authority shall serve full
1071 time and shall make full public disclosure of their assets, liabilities and
1072 income at the time of their appointment, and thereafter each member
1073 of the authority shall make such disclosure on or before July thirtieth
1074 of each year of such member's term, and shall file such disclosure with
1075 the office of the Secretary of the State. Each [commissioner] director
1076 shall receive annually a salary equal to that established for
1077 management pay plan salary group seventy-five by the Commissioner
1078 of Administrative Services, except that the chairperson shall receive
1079 annually a salary equal to that established for management pay plan
1080 salary group seventy-seven.

1081 (e) To insure the highest standard of public utility regulation, on
1082 and after October 1, 2007, any newly appointed [commissioner]
1083 director of the authority shall have education or training and three or
1084 more years of experience in one or more of the following fields:
1085 Economics, engineering, law, accounting, finance, utility regulation,
1086 public or government administration, consumer advocacy, business
1087 management, and environmental management. On and after July 1,
1088 1997, at least three of these fields shall be represented on the authority
1089 by individual [commissioners] directors at all times. Any time a
1090 [commissioner] director is newly appointed, at least one of the
1091 [commissioners] directors shall have experience in utility customer

1092 advocacy.

1093 (f) The chairperson of the authority, with the [consent of two or
1094 more other members of the authority, shall appoint an executive
1095 director, who shall be the chief administrative officer of the
1096 Department of Public Utility Control. The executive director shall be
1097 supervised by the chairperson of the authority, serve for a term of four
1098 years and annually receive a salary equal to that established for
1099 management pay plan salary group seventy-two by the Commissioner
1100 of Administrative Services. The executive director (1) shall] approval
1101 of the Commissioner of Energy and Environmental Protection, shall
1102 prescribe the duties of the staff assigned to the authority in order to (1)
1103 conduct comprehensive planning with respect to the functions of the
1104 [department] authority; (2) [shall] coordinate the activities of the
1105 [department] authority; (3) [shall] cause the administrative
1106 organization of the [department] authority to be examined with a view
1107 to promoting economy and efficiency; (4) [shall, in concurrence with
1108 the chairperson of the authority,] organize the [department] authority
1109 into such divisions, bureaus or other units as [he deems] necessary for
1110 the efficient conduct of the business of the [department] authority and
1111 may from time to time [abolish, transfer or consolidate within the
1112 department, any division, bureau or other units as may be necessary
1113 for the efficient conduct of the business of the department, provided
1114 such organization shall include any division, bureau or other unit
1115 which is specifically required by the general statutes] make
1116 recommendations to the commissioner regarding staff and resources;
1117 (5) [shall,] for any proceeding on a proposed rate amendment in which
1118 staff of the [department] authority are to be made a party pursuant to
1119 section 16-19j, as amended by this act, determine which staff shall
1120 appear and participate in the proceedings and which shall serve the
1121 members of the authority; (6) [may] enter into such contractual
1122 agreements, in accordance with established procedures, as may be
1123 necessary for the discharge of [his] the authority's duties; [and] (7)
1124 [may,] subject to the provisions of section 4-32, and unless otherwise
1125 provided by law, receive any money, revenue or services from the

1126 federal government, corporations, associations or individuals,
1127 including payments from the sale of printed matter or any other
1128 material or services; and (8) [The executive director shall] require the
1129 staff of the [department] authority to have expertise in public utility
1130 engineering and accounting, finance, economics, computers and rate
1131 design. [Subject to the provisions of chapter 67 and within available
1132 funds in any fiscal year, the executive director may appoint a secretary,
1133 and may employ such accountants, clerical assistants, engineers,
1134 inspectors, experts, consultants and agents as the department may
1135 require.]

1136 (g) No [member] director of the authority or employee of the
1137 [department] Department of Energy and Environmental Protection
1138 assigned to work with the authority, shall, while serving as such, or
1139 during such assignment have any interest, financial or otherwise,
1140 direct or indirect, or engage in any business, employment, transaction
1141 or professional activity, or incur any obligation of any nature, which is
1142 in substantial conflict with the proper discharge of his or her duties or
1143 employment in the public interest and of his or her responsibilities as
1144 prescribed in the laws of this state, as defined in section 1-85; provided,
1145 no such substantial conflict shall be deemed to exist solely by virtue of
1146 the fact that a [member] director of the authority or employee of the
1147 department assigned to work with the authority, or any business in
1148 which such a person has an interest, receives utility service from one or
1149 more Connecticut utilities under the normal rates and conditions of
1150 service.

1151 (h) No member of the authority or employee of the department
1152 assigned to work with the authority, during such assignment, shall
1153 accept other employment which will either impair his or her
1154 independence of judgment as to his or her official duties or
1155 employment or require him or her, or induce him or her, to disclose
1156 confidential information acquired by him or her in the course of and
1157 by reason of his or her official duties.

1158 (i) No [member] director of the authority or employee of the

1159 department assigned to work with the authority, during such
1160 assignment, shall wilfully and knowingly disclose, for pecuniary gain,
1161 to any other person, confidential information acquired by him or her in
1162 the course of and by reason of his or her official duties or employment
1163 or use any such information for the purpose of pecuniary gain.

1164 (j) No [member] director of the authority or employee of the
1165 department assigned to work with the authority, during such
1166 assignment, shall agree to accept, or be in partnership or association
1167 with any person, or a member of a professional corporation or in
1168 membership with any union or professional association which
1169 partnership, association, professional corporation, union or
1170 professional association agrees to accept any employment, fee or other
1171 thing of value, or portion thereof, in consideration of his or her
1172 appearing, agreeing to appear, or taking any other action on behalf of
1173 another person before the authority, the Connecticut Siting Council,
1174 the Office of Policy and Management or the Commissioner of Energy
1175 and Environmental Protection.

1176 (k) No [commissioner] director of the authority shall, for a period of
1177 one year following the termination of his or her service as a
1178 [commissioner] director, accept employment: (1) By a public service
1179 company or by any person, firm or corporation engaged in lobbying
1180 activities with regard to governmental regulation of public service
1181 companies; (2) by a certified telecommunications provider or by any
1182 person, firm or corporation engaged in lobbying activities with regard
1183 to governmental regulation of persons, firms or corporations so
1184 certified; or (3) by an electric supplier or by any person, firm or
1185 corporation engaged in lobbying activities with regard to
1186 governmental regulation of electric suppliers. No such [commissioner]
1187 director who is also an attorney shall in any capacity, appear or
1188 participate in any matter, or accept any compensation regarding a
1189 matter, before the authority, for a period of one year following the
1190 termination of his or her service as a [commissioner] director.

1191 Sec. 16. Section 16-2a of the general statutes is repealed and the

1192 following is substituted in lieu thereof (*Effective July 1, 2011*):

1193 (a) There shall [continue to] be an independent Office of Consumer
1194 Counsel, within the Department of [Public Utility Control for
1195 administrative purposes only] Energy and Environmental Protection,
1196 for administrative purposes only, to act as the advocate for consumer
1197 interests in all matters which may affect Connecticut consumers with
1198 respect to public service companies, electric suppliers and certified
1199 telecommunications providers. The Office of Consumer Counsel is
1200 authorized to appear in and participate in any regulatory or judicial
1201 proceedings, federal or state, in which such interests of Connecticut
1202 consumers may be involved, or in which matters affecting utility
1203 services rendered or to be rendered in this state may be involved. The
1204 Office of Consumer Counsel shall be a party to each contested case
1205 before the [Department of Public Utility Control] Public Utilities
1206 Regulatory Authority and shall participate in such proceedings to the
1207 extent it deems necessary. Said Office of Consumer Counsel may
1208 appeal from a decision, order or authorization in any such state
1209 regulatory proceeding notwithstanding its failure to appear or
1210 participate in said proceeding.

1211 (b) Except as prohibited by the provisions of section 4-181, the
1212 Office of Consumer Counsel shall have access to the records of the
1213 Public Utilities [Control] Regulatory Authority and [the Department of
1214 Public Utility Control,] shall be entitled to call upon the assistance of
1215 the authority's and the department's experts, and shall have the benefit
1216 of all other facilities or information of the authority or department in
1217 carrying out the duties of the Office of Consumer Counsel, except for
1218 such internal documents, information or data as are not available to
1219 parties to the authority's proceedings. The department shall provide
1220 such space as necessary within the department's quarters for the
1221 operation of the Office of Consumer Counsel, and the department shall
1222 be empowered to set regulations providing for adequate compensation
1223 for the provision of such office space.

1224 (c) The Office of Consumer Counsel shall be under the direction of a

1225 Consumer Counsel, who shall be appointed by the Governor with the
1226 advice and consent of either house of the General Assembly. The
1227 Consumer Counsel shall be an elector of this state and shall have
1228 demonstrated a strong commitment and involvement in efforts to
1229 safeguard the rights of the public. The Consumer Counsel shall serve
1230 for a term of five years unless removed pursuant to section 16-5. The
1231 salary of the Consumer Counsel shall be equal to that established for
1232 management pay plan salary group seventy-one by the Commissioner
1233 of Administrative Services. No Consumer Counsel shall, for a period
1234 of one year following the termination of service as Consumer Counsel,
1235 accept employment by a public service company, a certified
1236 telecommunications provider or an electric supplier. No Consumer
1237 Counsel who is also an attorney shall in any capacity, appear or
1238 participate in any matter, or accept any compensation regarding a
1239 matter, before the Public Utilities Control Authority, for a period of
1240 one year following the termination of service as Consumer Counsel.

1241 (d) The Consumer Counsel shall hire such staff as [he deems]
1242 necessary to perform the duties of said Office of Consumer Counsel
1243 and may employ from time to time outside consultants knowledgeable
1244 in the utility regulation field including, but not limited to, economists,
1245 capital cost experts and rate design experts. The salaries and
1246 qualifications of the individuals so hired shall be determined by the
1247 Commissioner of Administrative Services pursuant to section 4-40.

1248 (e) Nothing in this section shall be construed to prevent any party
1249 interested in such proceeding or action from appearing in person or
1250 from being represented by counsel therein.

1251 (f) As used in this section, "consumer" means any person, city,
1252 borough or town that receives service from any public service
1253 company, electric supplier or from any certified telecommunications
1254 provider in this state whether or not such person, city, borough or
1255 town is financially responsible for such service.

1256 (g) The Office of Consumer Counsel shall not be required to post a

1257 bond as a condition to presenting an appeal from any state regulatory
1258 decision, order or authorization.

1259 (h) The expenses of the Office of Consumer Counsel shall be
1260 assessed in accordance with the provisions of section 16-49.

1261 Sec. 17. Section 16-2c of the general statutes is repealed and the
1262 following is substituted in lieu thereof (*Effective July 1, 2011*):

1263 There is established a Division of Adjudication within the
1264 Department of [Public Utility Control] Energy and Environmental
1265 Protection. The staff of the division shall include, but not be limited to,
1266 hearing [examiners] officers appointed pursuant to subsection (c) of
1267 section 16-2, as amended by this act. The responsibilities of the division
1268 shall include, but not be limited to, hearing matters assigned under
1269 said subsection and advising the [chairperson of the Public Utilities
1270 Control Authority] commissioner and the Public Utilities Regulatory
1271 Authority concerning legal issues. The commissioner shall appoint
1272 such hearing officers pursuant to section 16-2, and assign such other
1273 staff as are necessary to advise the chairperson of the authority.

1274 Sec. 18. Section 16-3 of the general statutes is repealed and the
1275 following is substituted in lieu thereof (*Effective July 1, 2011*):

1276 If any vacancy occurs in said Public Utilities [Control] Regulatory
1277 Authority at any time when the General Assembly is not in session, the
1278 Governor shall appoint a [commissioner] director to fill such vacancy
1279 until such vacancy is filled at the next session of the General Assembly.
1280 Any other vacancy shall be filled, for the unexpired portion of the
1281 term, in the manner provided in section 16-2.

1282 Sec. 19. Section 16-4 of the general statutes is repealed and the
1283 following is substituted in lieu thereof (*Effective July 1, 2011*):

1284 No officer, employee, attorney or agent of any public service
1285 company, of any certified telecommunications provider or of any
1286 electric supplier shall be a member of the Public Utilities [Control]

1287 Regulatory Authority or an employee of the Department of [Public
1288 Utility Control] Energy and Environmental Protection.

1289 Sec. 20. Section 16-6b of the general statutes is repealed and the
1290 following is substituted in lieu thereof (*Effective July 1, 2011*):

1291 The [Department of Public Utility Control] Public Utilities
1292 Regulatory Authority, in consultation with the Department of Energy
1293 and Environmental Protection, may, in accordance with chapter 54,
1294 adopt such regulations with respect to rates and charges, services,
1295 accounting practices, safety and the conduct of operations generally of
1296 public service companies subject to its jurisdiction as it deems
1297 reasonable and necessary. The department in consultation with the
1298 authority may, in accordance with chapter 54, adopt such regulations
1299 with respect to services, accounting practices, safety and the conduct of
1300 operations generally of electric suppliers subject to its jurisdiction as it
1301 deems reasonable and necessary. After consultation with the Secretary
1302 of the Office of Policy and Management, the department may also
1303 adopt regulations, in accordance with chapter 54, establishing
1304 standards for systems utilizing cogeneration technology and
1305 renewable fuel resources.

1306 Sec. 21. Section 16-7 of the general statutes is repealed and the
1307 following is substituted in lieu thereof (*Effective July 1, 2011*):

1308 The [commissioners] directors and any employees [of] of the
1309 department assigned to the [Department of Public Utility Control]
1310 Public Utilities Regulatory Authority while engaged in the
1311 performance of their duties may, at all reasonable times, enter any
1312 premises, buildings, cars or other places belonging to or controlled by
1313 any public service company or electric supplier, and any person
1314 obstructing or in any way causing to be obstructed or hindered any
1315 member or employee of the department in the performance of his or
1316 her duties shall be fined not more than two hundred dollars or
1317 imprisoned not more than six months or both.

1318 Sec. 22. Section 16-9 of the general statutes is repealed and the

1319 following is substituted in lieu thereof (*Effective July 1, 2011*):

1320 All decisions, orders and authorizations of the [Department of
1321 Public Utility Control] Public Utilities Regulatory Authority shall be in
1322 writing and shall specify the reasons therefor, shall be filed and kept in
1323 the office of the department and recorded in a book kept by it for that
1324 purpose and shall be public records. Said department may, at any
1325 time, for cause shown, upon hearing had after notice to all parties in
1326 interest, rescind, reverse or alter any decision, order or authorization
1327 by it made. Written notice of all orders, decisions or authorizations
1328 issued by the department shall be given to the company or person
1329 affected thereby, by personal service upon such company or person or
1330 by registered or certified mail, as the department determines. Any final
1331 decision, order or authorization of the Public Utility Regulatory
1332 Authority in a contested case shall constitute a final decision for the
1333 purposes of chapter 54.

1334 Sec. 23. Subsections (a) and (b) of section 16-8 of the general statutes
1335 are repealed and the following is substituted in lieu thereof (*Effective*
1336 *July 1, 2011*):

1337 (a) The [Department of Public Utility Control] Public Utilities
1338 Regulatory Authority may, in its discretion, delegate its powers, in
1339 specific cases, to one or more of its [commissioners] directors or to a
1340 hearing [examiner] officer to ascertain the facts and report thereon to
1341 the [department] authority. The [department] authority, or any
1342 [commissioner] director thereof, in the performance of its duties or in
1343 connection with any hearing, or at the request of any person,
1344 corporation, company, town, borough or association, may summon
1345 and examine, under oath, such witnesses, and may direct the
1346 production of, and examine or cause to be produced and examined,
1347 such books, records, vouchers, memoranda, documents, letters,
1348 contracts or other papers in relation to the affairs of any public service
1349 company as it may find advisable, and shall have the same powers in
1350 reference thereto as are vested in magistrates taking depositions. If any
1351 witness objects to testifying or to producing any book or paper on the

1352 ground that such testimony, book or paper may tend to incriminate
1353 him, and the [department] authority directs such witness to testify or
1354 to produce such book or paper, and he complies, or if he is compelled
1355 so to do by order of court, he shall not be prosecuted for any matter
1356 concerning which he or she has so testified. The fees of witnesses
1357 summoned by the department to appear before it under the provisions
1358 of this section, and the fees for summoning witnesses shall be the same
1359 as in the Superior Court. All such fees, together with any other
1360 expenses authorized by statute, the method of payment of which is not
1361 otherwise provided, shall, when taxed by the [department] authority,
1362 be paid by the state, through the business office of the [department]
1363 authority, in the same manner as court expenses. The [department]
1364 authority may designate in specific cases a hearing [examiner] officer
1365 who may be a member of its technical staff or a member of the
1366 Connecticut Bar engaged for that purpose under a contract approved
1367 by the Secretary of the Office of Policy and Management to hold a
1368 hearing and make report thereon to the [department] authority. A
1369 hearing [examiner] officer so designated shall have the same powers as
1370 the [department] authority, or any [commissioner] director thereof, to
1371 conduct a hearing, except that only a [commissioner] director of the
1372 [department] authority shall have the power to grant immunity from
1373 prosecution to any witness who objects to testifying or to producing
1374 any book or paper on the ground that such testimony, book or paper
1375 may tend to incriminate him or her.

1376 (b) (1) [In the performance of its duties the Department of Public
1377 Utility Control may establish management audit teams as a regular
1378 and continuing component of its staff. The management audit teams
1379 shall be composed of personnel with a professional background in
1380 accounting, engineering or any other training as the department may
1381 deem necessary to assure a competent and thorough review and
1382 audit.] The authority may, within available appropriations, employ
1383 professional personnel to perform management audits. The
1384 [department] authority shall promptly establish such procedures as it
1385 deems necessary or desirable to provide for management audits to be

1386 performed on a regular or irregular schedule on all or any portion of
1387 the operating procedures and any other internal workings of any
1388 public service company, including the relationship between any public
1389 service company and a related holding company or subsidiary,
1390 consistent with the provisions of section 16-8c, provided no such audit
1391 shall be performed on a community antenna television company,
1392 except with regard to any noncable communications services which
1393 the company may provide, or when (A) such an audit is necessary for
1394 the [department] authority to perform its regulatory functions under
1395 the Communications Act of 1934, 47 USC 151, et seq., as amended from
1396 time to time, other federal law or state law, (B) the cost of such an audit
1397 is warranted by a reasonably foreseeable financial, safety or service
1398 benefit to subscribers of the company which is the subject of such an
1399 audit, and (C) such an audit is restricted to examination of the
1400 operating procedures that affect operations within the state.

1401 (2) In any case where the [department] authority determines that an
1402 audit is necessary or desirable, it may (A) order the audit to be
1403 performed by one of [its] the management audit teams, (B) require the
1404 affected company to perform the audit utilizing the company's own
1405 internal management audit staff as supervised by designated members
1406 of the [department's] authority's staff, or (C) require that the audit be
1407 performed under the supervision of designated members of the
1408 [department's] authority's staff by an independent management
1409 consulting firm selected by the [department] authority, in consultation
1410 with the affected company. If the affected company has more than
1411 seventy-five thousand customers, such independent management
1412 consulting firm shall be of nationally-recognized stature. All
1413 reasonable and proper expenses of the audits, including, but not
1414 limited to, the costs associated with the audit firm's testimony at a
1415 public hearing or other proceeding, shall be borne by the affected
1416 companies and shall be paid by such companies at such times and in
1417 such manner as the [department] authority directs.

1418 (3) For purposes of this section, a complete audit shall consist of (A)
1419 a diagnostic review of all functions of the audited company, which

1420 shall include, but not be limited to, documentation of the operations of
1421 the company, assessment of the company's system of internal controls,
1422 and identification of any areas of the company which may require
1423 subsequent audits, and (B) the performance of subsequent focused
1424 audits identified in the diagnostic review and determined necessary by
1425 the [department] authority. All audits performed pursuant to this
1426 section shall be performed in accordance with generally accepted
1427 management audit standards. The department shall adopt regulations
1428 in accordance with the provisions of chapter 54 setting forth such
1429 generally accepted management audit standards. Each audit of a
1430 community antenna television company shall be consistent with the
1431 provisions of the Communications Act of 1934, 47 USC 151, et seq., as
1432 amended from time to time, and of any other applicable federal law.
1433 The [department] authority shall certify whether a portion of an audit
1434 conforms to the provisions of this section and constitutes a portion of a
1435 complete audit.

1436 (4) A complete audit of each portion of each gas, electric or electric
1437 distribution company having more than seventy-five thousand
1438 customers shall begin no less frequently than every six years, so that a
1439 complete audit of such a company's operations shall be performed
1440 every six years. Such an audit of each such company having more than
1441 seventy-five thousand customers shall be updated as required by the
1442 [department] authority.

1443 (5) The results of an audit performed pursuant to this section shall
1444 be filed with the [department] authority and shall be open to public
1445 inspection. Upon completion and review of the audit, if the person or
1446 firm performing or supervising the audit determines that any of the
1447 operating procedures or any other internal workings of the affected
1448 public service company are inefficient, improvident, unreasonable,
1449 negligent or in abuse of discretion, the [department] authority may,
1450 after notice and opportunity for a hearing, order the affected public
1451 service company to adopt such new or altered practices and
1452 procedures as the [department] authority shall find necessary to
1453 promote efficient and adequate service to meet the public convenience

1454 and necessity. The [department] authority shall annually submit a
1455 report of audits performed pursuant to this section to the joint
1456 standing committee of the General Assembly having cognizance of
1457 matters relating to public utilities which report shall include the status
1458 of audits begun but not yet completed and a summary of the results of
1459 audits completed.

1460 (6) All reasonable and proper costs and expenses, as determined by
1461 the [department] authority, of complying with any order of the
1462 [department] authority pursuant to this subsection shall be recognized
1463 by the [department] authority for all purposes as proper business
1464 expenses of the affected company.

1465 (7) After notice and hearing, the [department] authority may modify
1466 the scope and schedule of a management audit of a telephone
1467 company which is subject to an alternative form of regulation so that
1468 such audit is consistent with that alternative form of regulation.

1469 Sec. 24. Section 16-8a of the general statutes is repealed and the
1470 following is substituted in lieu thereof (*Effective July 1, 2011*):

1471 (a) No public service company, as defined in section 16-1, holding
1472 company, as defined in section 16-47, or Nuclear Regulatory
1473 Commission licensee operating a nuclear power generating facility in
1474 this state, or person, firm, corporation, contractor or subcontractor
1475 directly or indirectly providing goods or services to such public service
1476 company, holding company or licensee, may take or threaten to take
1477 any retaliatory action against an employee for the employee's
1478 disclosure of (1) any matter involving the substantial misfeasance,
1479 malfeasance or nonfeasance in the management of such public service
1480 company, holding company or licensee, or (2) information pursuant to
1481 section 31-51m. Any employee found to have knowingly made a false
1482 disclosure shall be subject to disciplinary action by the employee's
1483 employer, up to and including dismissal.

1484 (b) Any employee of such a public service company, holding
1485 company or licensee, or of any person, firm, corporation, contractor or

1486 subcontractor directly or indirectly providing goods or services to such
1487 a public service company, holding company or licensee, having
1488 knowledge of any of the following may transmit all facts and
1489 information in the employee's possession to the [Department of Public
1490 Utility Control] Public Utilities Regulatory Authority: (1) Any matter
1491 involving substantial misfeasance, malfeasance or nonfeasance in the
1492 management of such public service company, holding company or
1493 licensee; or (2) any matter involving retaliatory action or the threat of
1494 retaliatory action taken against an employee who has reported the
1495 misfeasance, malfeasance or nonfeasance, in the management of such
1496 public service company, holding company or licensee. With regard to
1497 any matter described in subdivision (1) of this subsection, the
1498 [department] authority shall investigate such matter in accordance
1499 with the provisions of section 16-8 and shall not disclose the identity of
1500 such employee without the employee's consent unless it determines
1501 that such disclosure is unavoidable during the course of the
1502 investigation. With regard to any matter described in subdivision (2) of
1503 this subsection, the matter shall be handled in accordance with the
1504 procedures set forth in subsections (c) and (d) of this section.

1505 (c) (1) Not more than thirty business days after receipt of a written
1506 complaint, in a form prescribed by the [department] authority, by an
1507 employee alleging the employee's employer has retaliated against an
1508 employee in violation of subsection (a) of this section, the [department]
1509 authority shall make a preliminary finding in accordance with this
1510 subsection.

1511 (2) Not more than five business days after receiving a written
1512 complaint, in a form prescribed by the [department] authority, the
1513 [department] authority shall notify the employer by certified mail.
1514 Such notification shall include a description of the nature of the
1515 charges and the substance of any relevant supporting evidence. The
1516 employer may submit a written response and both the employer and
1517 the employee may present rebuttal statements in the form of affidavits
1518 from witnesses and supporting documents and may meet with the
1519 [department] authority informally to respond verbally about the

1520 nature of the employee's charges. The [department] authority shall
1521 consider in making its preliminary finding as provided in subdivision
1522 (3) of this subsection any such written and verbal responses, including
1523 affidavits and supporting documents, received by the [department]
1524 authority not more than twenty business days after the employer
1525 receives such notice. Any such response received after twenty business
1526 days shall be considered by the [department] authority only upon a
1527 showing of good cause and at the discretion of the [department]
1528 authority. The [department] authority shall make its preliminary
1529 finding as provided in subdivision (3) of this subsection based on
1530 information described in this subdivision, without a public hearing.

1531 (3) Unless the [department] authority finds by clear and convincing
1532 evidence that the adverse employment action was taken for a reason
1533 unconnected with the employee's report of substantial misfeasance,
1534 malfeasance or nonfeasance, there shall be a rebuttable presumption
1535 that an employee was retaliated against in violation of subsection (a) of
1536 this section if the [department] authority finds that: (A) The employee
1537 had reported substantial misfeasance, malfeasance or nonfeasance in
1538 the management of the public service company, holding company or
1539 licensee; (B) the employee was subsequently discharged, suspended,
1540 demoted or otherwise penalized by having the employee's status of
1541 employment changed by the employee's employer; and (C) the
1542 subsequent discharge, suspension, demotion or other penalty followed
1543 the employee's report closely in time.

1544 (4) If such findings are made, the [department] authority shall issue
1545 an order requiring the employer to immediately return the employee
1546 to the employee's previous position of employment or an equivalent
1547 position pending the completion of the [department's] authority's full
1548 investigatory proceeding pursuant to subsection (d) of this section.

1549 (d) Not later than thirty days after making a preliminary finding in
1550 accordance with the provisions of subsection (c) of this section, the
1551 [department] authority shall initiate a full investigatory proceeding in
1552 accordance with the provisions of section 16-8, at which time the

1553 employer shall have the opportunity to rebut the presumption. The
1554 [department] authority may issue orders or impose civil penalties in a
1555 manner that conforms with the notice and hearing provisions in
1556 section 16-41 against a public service company, holding company or
1557 licensee or a person, firm, corporation, contractor or subcontractor
1558 directly or indirectly providing goods or services to such public service
1559 company, holding company or licensee, in order to enforce the
1560 provisions of this section.

1561 (e) If an employee or former employee of such a public service
1562 company, holding company or licensee, or of a person, firm,
1563 corporation, contractor or subcontractor directly or indirectly
1564 providing goods or services to such a public service company, holding
1565 company or licensee, having knowledge of any matter involving the
1566 substantial misfeasance, malfeasance or nonfeasance in the
1567 management of such public service company, holding company or
1568 licensee, enters into an agreement with the employee's employer that
1569 contains a provision directly or indirectly discouraging the employee
1570 from presenting a written complaint or testimony concerning such
1571 misfeasance, malfeasance or nonfeasance in any legislative,
1572 administrative or judicial proceeding, such provision shall be void as
1573 against public policy.

1574 (f) The [Department of Public Utility Control] Public Utilities
1575 Regulatory Authority shall adopt regulations, in accordance with
1576 chapter 54, to carry out the provisions of this section. Such regulations
1577 shall include the following: (1) The procedures by which a complaint
1578 may be brought pursuant to subsection (a) of this section; (2) the time
1579 period in which such a complaint may be brought; (3) the time period
1580 by which the [department] authority shall render a decision pursuant
1581 to subsection (d) of this section; (4) the form on which written
1582 complaints shall be submitted to the [department] authority by an
1583 employee pursuant to subsection (c) of this section; and (5) the
1584 requirement that a notice be posted in the workplace informing all
1585 employees of any public service company, holding company and
1586 licensee and of any person, firm, corporation, contractor or

1587 subcontractor directly or indirectly providing goods or services to a
1588 company or licensee, as defined in subsection (b) of this section, of
1589 their rights under this section, including the right to be reinstated in
1590 accordance with subsection (c) of this section.

1591 Sec. 25. Section 16-18a of the general statutes is repealed and the
1592 following is substituted in lieu thereof (*Effective July 1, 2011*):

1593 (a) In the performance of their duties the [Department of Public
1594 Utility Control] Public Utilities Regulatory Authority and the Office of
1595 Consumer Counsel may retain consultants to assist their staffs in
1596 proceedings before the [department] authority by providing expertise
1597 in areas in which staff expertise does not currently exist or when
1598 necessary to supplement existing staff expertise. In any case where the
1599 [department] authority or Office of Consumer Counsel determines that
1600 the services of a consultant are necessary or desirable, the [department]
1601 authority shall (1) allow opportunity for the parties and participants to
1602 the proceeding for which the services of a consultant are being
1603 considered to comment regarding the necessity or desirability of such
1604 services, (2) upon the request of a party or participant to the
1605 proceeding for which the services of a consultant are being considered,
1606 hold a hearing, and (3) limit the reasonable and proper expenses for
1607 such services to not more than two hundred thousand dollars for each
1608 agency per proceeding involving a public service company,
1609 telecommunications company, electric supplier or person seeking
1610 certification to provide telecommunications services pursuant to
1611 chapter 283, with more than fifteen thousand customers, and to not
1612 more than fifty thousand dollars for each agency per proceeding
1613 involving such a company, electric supplier or person with less than
1614 fifteen thousand customers, provided the [department] authority or
1615 the Office of Consumer Counsel may exceed such limits for good
1616 cause. In the case of multiple proceedings conducted to implement the
1617 provisions of this section and sections 16-1, 16-19, 16-19e, 16-22,
1618 16-247a to 16-247c, inclusive, 16-247e to 16-247i, inclusive, 16-247k and
1619 subsection (e) of 16-331, the [department] authority or the Office of
1620 Consumer Counsel may exceed such limits, but the total amount for all

1621 such proceedings shall not exceed the aggregate amount which would
1622 be available pursuant to this section. All reasonable and proper
1623 expenses, as defined in subdivision (3) of this section, shall be borne by
1624 the affected company, electric supplier or person and shall be paid by
1625 such company, electric supplier or person at such times and in such
1626 manner as the [department] authority or the Office of Consumer
1627 Counsel directs. All reasonable and proper costs and expenses, as
1628 defined in subdivision (3) of this section, shall be recognized by the
1629 [department] authority for all purposes as proper business expenses of
1630 the affected company, electric supplier or person. The providers of
1631 consultant services shall be selected by the [department] authority or
1632 the Office of Consumer Counsel and shall submit written findings and
1633 recommendations to the [department] authority or the Office of
1634 Consumer Counsel, as the case may be, which shall be made part of
1635 the public record.

1636 [(b) The Department of Public Utility Control may retain
1637 consultants to assist in developing and implementing the public
1638 education outreach program pursuant to section 16-244d, provided the
1639 authorization to retain such consultants shall expire December 31,
1640 2005, and provided further the reasonable and proper expenses for
1641 such services shall not exceed three hundred fifty thousand dollars in
1642 the aggregate. All reasonable and proper expenses accrued prior to
1643 January 1, 2000, shall be borne by electric companies or electric
1644 distribution companies, as the case may be. After the systems benefits
1645 charge begins to be collected on January 1, 2000, pursuant to section
1646 16-245/, such companies shall recover those expenses that have been
1647 accrued by the companies up until said date through the systems
1648 benefits charge. On and after January 1, 2000, all reasonable and
1649 proper expenses shall be assessed directly through the systems benefits
1650 charge.]

1651 [(c)] (b) Notwithstanding any provision of the general statutes, the
1652 [department] authority and the Office of Consumer Counsel shall not
1653 retain any consultant under subsection (a) of this section in connection
1654 with any proceeding involving telecommunications if such consultant,

1655 at the time the consultant would be retained, is serving as a consultant
1656 to a certified telecommunications provider or a telephone company
1657 that would be affected by such proceeding, unless each party and
1658 intervenor to such proceeding agrees in writing to waive the
1659 provisions of this subsection.

1660 Sec. 26. Section 16-19a of the general statutes is repealed and the
1661 following is substituted in lieu thereof (*Effective July 1, 2011*):

1662 (a) (1) The [Department of Public Utility Control] Public Utilities
1663 Regulatory Authority shall, at intervals of not more than four years
1664 from the last previous general rate hearing of each gas, electric and
1665 electric distribution company having more than seventy-five thousand
1666 customers, conduct a complete review and investigation of the
1667 financial and operating records of each such company and hold a
1668 public hearing to determine whether the rates of each such company
1669 are unreasonably discriminatory or more or less than just, reasonable
1670 and adequate, or that the service furnished by such company is
1671 inadequate to or in excess of public necessity and convenience or that
1672 the rates do not conform to the principles and guidelines set forth in
1673 section 16-19e. In making such determination, the [department]
1674 authority shall consider the gross and net earnings of such company
1675 since its last previous general rate hearing, its retained earnings, its
1676 actual and proposed capital expenditures, its advertising expenses, the
1677 dividends paid to its stockholders, the rate of return paid on its
1678 preferred stock, bonds, debentures and other obligations, its credit
1679 rating, and such other financial and operating information as the
1680 [department] authority may deem pertinent.

1681 (2) The [department] authority may conduct a general rate hearing
1682 in accordance with subsection (a) of section 16-19, in lieu of the
1683 periodic review and investigation proceedings required under
1684 subdivision (1) of this subsection.

1685 (b) In the proceeding required under subdivision (1) of subsection
1686 (a) of this section, the [department] authority may approve

1687 performance-based incentives to encourage a gas or electric company
1688 to operate efficiently and provide high quality service at fair and
1689 reasonable prices. Notwithstanding subsection (a) of this section, if the
1690 [department] authority approves such performance-based incentives
1691 for a particular company, the [department] authority shall include in
1692 such approval a framework for periodic monitoring and review of the
1693 company's performance in regard to criteria specified by the
1694 [department] authority, which shall include, but not be limited to, the
1695 company's return on equity, reliability and quality of service. The
1696 [department's] authority's periodic monitoring and review shall be
1697 used in lieu of the periodic review and investigation proceedings
1698 required under subdivision (1) of subsection (a) of this section. If the
1699 [department] authority determines in the periodic monitoring and
1700 review that a more extensive review of company performance is
1701 necessary, the [department] authority may institute a further
1702 proceeding in accordance with the purposes of this chapter, including
1703 a complete review and investigation described in subdivision (1) of
1704 subsection (a) of this section.

1705 Sec. 27. Section 16-19e of the general statutes is repealed and the
1706 following is substituted in lieu thereof (*Effective July 1, 2011*):

1707 (a) In the exercise of its powers under the provisions of this title, the
1708 [Department of Public Utility Control] Public Utilities Regulatory
1709 Authority shall examine and regulate the transfer of existing assets and
1710 franchises, the expansion of the plant and equipment of existing public
1711 service companies, the operations and internal workings of public
1712 service companies and the establishment of the level and structure of
1713 rates in accordance with the following principles: (1) That there is a
1714 clear public need for the service being proposed or provided; (2) that
1715 the public service company shall be fully competent to provide
1716 efficient and adequate service to the public in that such company is
1717 technically, financially and managerially expert and efficient; (3) that
1718 the [department] authority and all public service companies shall
1719 perform all of their respective public responsibilities with economy,
1720 efficiency and care for public safety and energy security, and so as to

1721 promote economic development within the state with consideration
1722 for energy and water conservation, energy efficiency and the
1723 development and utilization of renewable sources of energy and for
1724 the prudent management of the natural environment; (4) that the level
1725 and structure of rates be sufficient, but no more than sufficient, to
1726 allow public service companies to cover their operating costs
1727 including, but not limited to, appropriate staffing levels, and capital
1728 costs, to attract needed capital and to maintain their financial integrity,
1729 and yet provide appropriate protection to the relevant public interests,
1730 both existing and foreseeable which shall include, but not be limited
1731 to, reasonable costs of security of assets, facilities and equipment that
1732 are incurred solely for the purpose of responding to security needs
1733 associated with the terrorist attacks of September 11, 2001, and the
1734 continuing war on terrorism; (5) that the level and structure of rates
1735 charged customers shall reflect prudent and efficient management of
1736 the franchise operation; and (6) that the rates, charges, conditions of
1737 service and categories of service of the companies not discriminate
1738 against customers which utilize renewable energy sources or
1739 cogeneration technology to meet a portion of their energy
1740 requirements.

1741 (b) The [Department of Public Utility Control] Public Utilities
1742 Regulatory Authority shall promptly undertake a separate, general
1743 investigation of, and shall hold at least one public hearing on new
1744 pricing principles and rate structures for electric companies and for gas
1745 companies to consider, without limitation, long run incremental cost of
1746 marginal cost pricing, peak load or time of day pricing and proposals
1747 for optimizing the utilization of energy and restraining its wasteful use
1748 and encouraging energy conservation, and any other matter with
1749 respect to pricing principles and rate structures as the [department]
1750 authority shall deem appropriate. The [department] authority shall
1751 determine whether existing or future rate structures place an undue
1752 burden upon those persons of poverty status and shall make such
1753 adjustment in the rate structure as is necessary or desirable to take
1754 account of their indigency. The [department] authority shall require

1755 the utilization of such new principles and structures to the extent that
1756 the [department] authority determines that their implementation is in
1757 the public interest and necessary or desirable to accomplish the
1758 purposes of this provision without being unfair or discriminatory or
1759 unduly burdensome or disruptive to any group or class of customers,
1760 and determines that such principles and structures are capable of
1761 yielding required revenues. In reviewing the rates and rate structures
1762 of electric and gas companies, the [department] authority shall take
1763 into consideration appropriate energy policies, including those of the
1764 state as expressed in subsection (c) of this section. The authority shall
1765 issue its initial findings on such investigation by December 1, 1976, and
1766 its final findings and order by June 1, 1977; provided that after such
1767 final findings and order are issued, the [department] authority shall at
1768 least once every two years undertake such further investigations as it
1769 deems appropriate with respect to new developments or desirable
1770 modifications in pricing principles and rate structures and, after
1771 holding at least one public hearing thereon, shall issue its findings and
1772 order thereon.

1773 (c) The Department of [Public Utility Control] Energy and
1774 Environmental Protection shall [consult at least once each year with
1775 the Commissioner of Environmental Protection, the Connecticut Siting
1776 Council and the Office of Policy and Management, so as to] coordinate
1777 and integrate its actions, decisions and policies pertaining to gas and
1778 electric companies, so far as possible, with the actions, decisions and
1779 policies of [said] other agencies and instrumentalities in order to
1780 further the development and optimum use of the state's energy
1781 resources and conform to the greatest practicable extent with the state
1782 energy policy as stated in section 16a-35k, taking into account prudent
1783 management of the natural environment and continued promotion of
1784 economic development within the state. [In the performance of its
1785 duties, the department shall take into consideration the energy policies
1786 of the state as expressed in this subsection and in any annual reports
1787 prepared or filed by such other agencies and instrumentalities, and]
1788 The department shall defer, as appropriate, to any actions taken by

1789 [such] other agencies and instrumentalities on matters within their
1790 respective jurisdictions.

1791 (d) The Commissioner of Energy and Environmental Protection, the
1792 Commissioner of Economic and Community Development, and the
1793 Connecticut Siting Council [and the Office of Policy and Management
1794 shall] may be made parties to each proceeding on a rate amendment
1795 proposed by a gas, electric or electric distribution company based
1796 upon an alleged need for increased revenues to finance an expansion
1797 of capital equipment and facilities, and shall participate in such
1798 proceedings to the extent necessary.

1799 (e) The [Department of Public Utility Control] Public Utilities
1800 Regulatory Authority, in a proceeding on a rate amendment proposed
1801 by an electric distribution company based upon an alleged need for
1802 increased revenues to finance an expansion of the capacity of its
1803 electric distribution system, shall determine whether demand-side
1804 management would be more cost-effective in meeting any demand for
1805 electricity for which the increase in capacity is proposed.

1806 (f) The provisions of this section shall not apply to the regulation of
1807 a telecommunications service which is a competitive service, as
1808 defined in section 16-247a, or to a telecommunications service to which
1809 an approved plan for an alternative form of regulation applies,
1810 pursuant to section 16-247k.

1811 (g) The [department] authority may, upon application of any gas or
1812 electric public service company, which has, as part of its existing rate
1813 plan, an earnings sharing mechanism, modify such rate plan to allow
1814 the gas or electric public service company, after a hearing that is
1815 conducted as a contested case, in accordance with chapter 54, to
1816 include in its rates the reasonable costs of security of assets, facilities,
1817 and equipment, both existing and foreseeable, that are incurred solely
1818 for the purpose of responding to security needs associated with the
1819 terrorist attacks of September 11, 2001, and the continuing war on
1820 terrorism.

1821 Sec. 28. Section 16-19f of the general statutes is repealed and the
1822 following is substituted in lieu thereof (*Effective July 1, 2011*):

1823 (a) As used in this section:

1824 (1) "Cost of service" means an electric utility rate for a class of
1825 consumer which is designed, to the maximum extent practicable, to
1826 reflect the cost to the utility in providing electric service to such class;

1827 (2) "Declining block rate" means an electric utility rate for a class of
1828 consumer which prices successive blocks of electricity consumed by
1829 such consumer at lower per-unit prices;

1830 (3) "Time of day rate" means an electric utility rate for a class of
1831 consumer which is designed to reflect the cost to the utility of
1832 providing electricity to such consumer at different times of the day;

1833 (4) "Seasonal rate" means an electric utility rate for a class of
1834 consumer designed to reflect the cost to the utility in providing
1835 electricity to such consumer during different seasons of the year;

1836 (5) "Interruptible rate" means an electric utility rate designed to
1837 reflect the cost to the utility in providing service to a consumer where
1838 such consumer permits his service to be interrupted during periods of
1839 peak electrical demand;

1840 (6) "Load management techniques" means cost-effective techniques
1841 used by an electric utility to reduce the maximum kilowatt demand on
1842 the utility.

1843 (b) The [Department of Public Utility Control] Public Utilities
1844 Regulatory Authority, with respect to each electric public service
1845 company and each municipal electric company, shall, within two
1846 years, consider and determine whether it is appropriate to implement
1847 any of the following rate design standards: (1) Cost of service; (2)
1848 prohibition of declining block rates; (3) time of day rates; (4) seasonal
1849 rates; (5) interruptible rates; and (6) load management techniques. The
1850 consideration of said standards by the [department] authority and

1851 each municipal electric company shall be made after public notice and
1852 hearing. Such hearing may be held concurrently with a hearing
1853 required pursuant to subsection (b) of section 16-19e. The [department]
1854 authority and each municipal company shall make a determination on
1855 whether it is appropriate to implement any of said standards. Said
1856 determination shall be in writing, shall take into consideration the
1857 evidence presented at the hearing and shall be available to the public.
1858 A standard shall be deemed to be appropriate for implementation if
1859 such implementation would encourage energy conservation, optimal
1860 and efficient use of facilities and resources by an electric public service
1861 company or municipal electric company and equitable rates for electric
1862 consumers.

1863 (c) The [Department of Public Utility Control] Public Utilities
1864 Regulatory Authority, with respect to each electric public service
1865 company, and each municipal electric company may implement any
1866 standard determined under subsection (b) of this section to be
1867 appropriate or decline to implement any such standard. If the
1868 [department] authority or a municipal electric company declines to
1869 implement any standard determined to be appropriate, it shall state in
1870 writing its reasons for doing so and make such statement available to
1871 the public.

1872 (d) The provisions of this section shall not apply to any municipal
1873 electric company which has total annual sales of electricity for
1874 purposes other than resale of five hundred million kilowatt-hours or
1875 less.

1876 Sec. 29. Section 16-19h of the general statutes is repealed and the
1877 following is substituted in lieu thereof (*Effective July 1, 2011*):

1878 The [Department of Public Utility Control] Public Utilities
1879 Regulatory Authority may reopen proceedings on a proposed rate
1880 amendment filed under section 16-19 and amend its final decision on
1881 such filing to adjust the rates of a water company, as defined in section
1882 16-1, to include in the rate base the construction costs associated with

1883 additions to a plant that are required by order of the [Department of
1884 Public Utility Control] authority, the Department of Public Health or
1885 the Department of Energy and Environmental Protection. The
1886 adjustment and approval of any rate under this section shall be based
1887 on the criteria set forth in section 16-19e.

1888 Sec. 30. Section 16-49 of the general statutes is repealed and the
1889 following is substituted in lieu thereof (*Effective July 1, 2011*):

1890 As used in this section:

1891 (1) "Company" means (A) any public service company other than a
1892 telephone company, that had more than one hundred thousand dollars
1893 of gross revenues in the state in the calendar year preceding the
1894 assessment year under this section, except any such company not
1895 providing service to retail customers in the state, (B) any telephone
1896 company that had more than one hundred thousand dollars of gross
1897 revenues in the state from telecommunications services in the calendar
1898 year preceding the assessment year under this section, except any such
1899 company not providing service to retail customers in the state, (C) any
1900 certified telecommunications provider that had more than one
1901 hundred thousand dollars of gross revenues in the state from
1902 telecommunications services in the calendar year preceding the
1903 assessment year under this section, except any such certified
1904 telecommunications provider not providing service to retail customers
1905 in the state, [or] (D) any electric supplier that had more than one
1906 hundred thousand dollars of gross revenues in the state in the calendar
1907 year preceding the assessment year under this section, except any such
1908 supplier not providing electric generation services to retail customers
1909 in the state, or (E) any certified competitive video service provider
1910 issued a certificate of video franchise authority by the Department of
1911 Energy and Environmental Protection in accordance with section 16-
1912 331e that had more than one hundred thousand dollars of gross
1913 revenues in the state in the calendar year preceding the assessment
1914 year under this section, except any such certified competitive video
1915 service provider not providing service to retail customers in the state;

1916 (2) "Telecommunications services" means (A) in the case of
1917 telecommunications services provided by a telephone company, any
1918 service provided pursuant to a tariff approved by the department
1919 other than wholesale services and resold access and interconnections
1920 services, and (B) in the case of telecommunications services provided
1921 by a certified telecommunications provider other than a telephone
1922 company, any service provided pursuant to a tariff approved by the
1923 [department] authority and pursuant to a certificate of public
1924 convenience and necessity; and

1925 (3) "Fiscal year" means the period beginning July first and ending
1926 June thirtieth.

1927 (b) On or before July 15, 1999, and on or before May first, annually
1928 thereafter, each company shall report its intrastate gross revenues of
1929 the preceding calendar year to the [department] Public Utilities
1930 Regulatory Authority, which amount shall be subject to audit by the
1931 [department] authority. For each fiscal year, each company shall pay
1932 the [Department of Public Utility Control] authority the company's
1933 share of all expenses of the [department and the] department's Bureau
1934 of Energy, the Office of Consumer Counsel, and the operations of the
1935 Public Utilities Regulatory Authority for such fiscal year. On or before
1936 September first, annually, the [department] authority shall give to each
1937 company a statement which shall include: (1) The amount
1938 appropriated to the [department and the Office of Consumer Counsel]
1939 department's Bureau of Energy, the Office of Consumer Counsel and
1940 the operations of the Public Utilities Regulatory Authority for the fiscal
1941 year beginning July first of the same year; (2) the total gross revenues
1942 of all companies; and (3) the proposed assessment against the
1943 company for the fiscal year beginning on July first of the same year,
1944 adjusted to reflect the estimated payment required under subdivision
1945 (1) of subsection (c) of this section. Such proposed assessment shall be
1946 calculated by multiplying the company's percentage share of the total
1947 gross revenues as specified in subdivision (2) of this subsection by the
1948 total revenue appropriated to the [department and the Office of
1949 Consumer Counsel] department's Bureau of Energy, the Office of

1950 Consumer Counsel and the operations of the Public Utility Regulatory
1951 Authority, as specified in subdivision (1) of this subsection.

1952 (c) Each company shall pay the [department] authority: (1) On or
1953 before June thirtieth, annually, an estimated payment for the expenses
1954 of the following year equal to twenty-five per cent of its assessment for
1955 the fiscal year ending on such June thirtieth, (2) on or before September
1956 thirtieth, annually, twenty-five per cent of its proposed assessment,
1957 adjusted to reflect any credit or amount due under the recalculated
1958 assessment for the preceding fiscal year, as determined by the
1959 [department] authority under subsection (d) of this section, provided if
1960 the company files an objection in accordance with subsection (e) of this
1961 section, it may withhold the amount stated in its objection, and (3) on
1962 or before the following December thirty-first and March thirty-first,
1963 annually, the remaining fifty per cent of its proposed assessment in
1964 two equal installments.

1965 (d) Immediately following the close of each fiscal year, the
1966 [department] authority shall recalculate the proposed assessment of
1967 each company, based on the expenses, as determined by the
1968 Comptroller, of the [department and the Office of Consumer Counsel]
1969 department's Bureau of Energy, the Office of Consumer Counsel and
1970 the operations of the Public Utilities Regulatory Authority for such
1971 fiscal year. On or before September first, annually, the [department]
1972 authority shall give to each company a statement showing the
1973 difference between its recalculated assessment and the amount
1974 previously paid by the company.

1975 (e) Any company may object to a proposed or recalculated
1976 assessment by filing with the [department] authority, not later than
1977 September fifteenth of the year of said assessment, a petition stating
1978 the amount of the proposed or recalculated assessment to which it
1979 objects and the grounds upon which it claims such assessment is
1980 excessive, erroneous, unlawful or invalid. After a company has filed a
1981 petition, the [department] authority shall hold a hearing. After
1982 reviewing the company's petition and testimony, if any, the

1983 [department] authority shall issue an order in accordance with its
1984 findings. The company shall pay the [department] authority the
1985 amount indicated in the order not later than thirty days after the date
1986 of the order.

1987 (f) The [department] authority shall remit all payments received
1988 under this section to the State Treasurer for deposit in the Consumer
1989 Counsel and Public Utility Control Fund established under section
1990 16-48a. Such funds shall be accounted for as expenses recovered from
1991 public service companies and certified telecommunications providers.
1992 All payments made under this section shall be in addition to any taxes
1993 payable to the state under chapters 211, 212, 212a and 219.

1994 (g) Any assessment unpaid on the due date or any portion of an
1995 assessment withheld after the due date under subsection (c) of this
1996 section shall be subject to interest at the rate of one and one-fourth per
1997 cent per month or fraction thereof, or fifty dollars, whichever is
1998 greater.

1999 (h) Any company that fails to report in accordance with this section
2000 shall be subject to civil penalties in accordance with section 16-41.

2001 Sec. 31. Section 16-19j of the general statutes is repealed and the
2002 following is substituted in lieu thereof (*Effective July 1, 2011*):

2003 (a) The Public Utilities [Control] Regulatory Authority may require
2004 a portion of the staff of the [department] authority to be made a party
2005 to any proceeding.

2006 (b) Notwithstanding subsection (a) of this section, the authority
2007 shall require a portion of the staff to be made a party to proceedings
2008 relating to (1) a rate amendment proposed pursuant to section 16-19 by
2009 a public service company having more than seventy-five thousand
2010 customers, (2) the approval of performance-based incentives pursuant
2011 to subsection (b) of section 16-19a, or (3) the approval of any
2012 alternative form of regulation pursuant to section 16-247k, provided
2013 the authority shall not require a portion of the staff to be made a party

2014 to any proceeding described in this subsection if the authority issues a
2015 notice of its intent not to do so in writing. The notice shall include the
2016 reasons for not requiring a portion of the staff to be made a party.
2017 Upon petition of any party so noticed, the authority shall require a
2018 portion of the staff to be made a party.

2019 (c) The provisions of section 4-181 shall apply to any proceeding in
2020 which a portion of [department] authority staff is made a party.

2021 (d) The [department] authority staff assigned to participate as a
2022 party to any rate proceedings described in subdivision (1) of
2023 subsection (b) of this section shall review the proposed rate
2024 amendment filed by the company and shall file with the
2025 [commissioners of the department] directors of the authority proposed
2026 modifications of the rate amendment. Such modifications shall carry
2027 out the purposes of subsection (a) of section 16-19e and section
2028 16a-35k. Such staff shall appear and participate in the proceedings in
2029 support of its proposed modifications and may employ outside
2030 consultants knowledgeable in the utility regulation field.

2031 Sec. 32. Section 16-50j of the general statutes is repealed and the
2032 following is substituted in lieu thereof (*Effective July 1, 2011*):

2033 (a) There is established a "Connecticut Siting Council", hereinafter
2034 referred to as the "council", which shall be within the Department of
2035 [Public Utility Control] Energy and Environmental Protection for
2036 administrative purposes only.

2037 (b) Except for proceedings under chapter 445, this subsection and
2038 subsection (c) of this section, the council shall consist of: (1) The
2039 Commissioner of Energy and Environmental Protection, or his
2040 designee; (2) [the chairman, or his designee, of the Public Utilities
2041 Control Authority] the chairperson of the Public Utilities Regulatory
2042 Authority, or the chairperson's designee; (3) one designee of the
2043 speaker of the House and one designee of the president pro tempore of
2044 the Senate; and (4) five members of the public, to be appointed by the
2045 Governor, at least two of whom shall be experienced in the field of

2046 ecology, and not more than one of whom shall have affiliation, past or
2047 present, with any utility or governmental utility regulatory agency, or
2048 with any person owning, operating, controlling, or presently
2049 contracting with respect to a facility, a hazardous waste facility, as
2050 defined in section 22a-115, or an ash residue disposal area.

2051 (c) For proceedings under chapter 445, subsection (b) of this section
2052 and this subsection, the council shall consist of (1) the Commissioners
2053 of Public Health and Public Safety or their designated representatives;
2054 (2) the designees of the speaker of the House of Representatives and
2055 the president pro tempore of the Senate as provided in subsection (b)
2056 of this section; (3) the five members of the public as provided in
2057 subsection (b) of this section; and (4) four ad hoc members, three of
2058 whom shall be electors from the municipality in which the proposed
2059 facility is to be located and one of whom shall be an elector from a
2060 neighboring municipality likely to be most affected by the proposed
2061 facility. The municipality most affected by the proposed facility shall
2062 be determined by the permanent members of the council. If any one of
2063 the five members of the public or of the designees of the speaker of the
2064 House of Representatives or the president pro tempore of the Senate
2065 resides (A) in the municipality in which a hazardous waste facility is
2066 proposed to be located for a proceeding concerning a hazardous waste
2067 facility or in which a low-level radioactive waste facility is proposed to
2068 be located for a proceeding concerning a low-level radioactive waste
2069 facility, or (B) in the neighboring municipality likely to be most
2070 affected by the proposed facility, the appointing authority shall
2071 appoint a substitute member for the proceedings on such proposal. If
2072 any appointee is unable to perform his duties on the council due to
2073 illness, or has a substantial financial or employment interest which is
2074 in conflict with the proper discharge of his duties under this chapter,
2075 the appointing authority shall appoint a substitute member for
2076 proceedings on such proposal. An appointee shall report any
2077 substantial financial or employment interest which might conflict with
2078 the proper discharge of his duties under this chapter to the appointing
2079 authority who shall determine if such conflict exists. If any state

2080 agency is the applicant, an appointee shall not be deemed to have a
2081 substantial employment conflict of interest because of employment
2082 with the state unless such appointee is directly employed by the state
2083 agency making the application. Ad hoc members shall be appointed by
2084 the chief elected official of the municipality they represent and shall
2085 continue their membership until the council issues a letter of
2086 completion of the development and management plan to the applicant.

2087 (d) For proceedings under sections 22a-285d to 22a-285h, inclusive,
2088 the council shall consist of (1) the Commissioners of Public Health and
2089 Public Safety or their designated representatives; (2) the designees of
2090 the speaker of the House of Representatives and the president pro
2091 tempore of the Senate as provided in subsection (b) of this section, and
2092 (3) five members of the public as provided in subsection (b) of this
2093 section. If any one of the five members of the public or of the designees
2094 of the speaker of the House of Representatives or the president pro
2095 tempore of the Senate resides in the municipality in which an ash
2096 residue disposal area is proposed to be located the appointing
2097 authority shall appoint a substitute member for the proceedings on
2098 such proposal. If any appointee is unable to perform his duties on the
2099 council due to illness, or has a substantial financial or employment
2100 interest which is in conflict with the proper discharge of his duties
2101 under sections 22a-285d to 22a-285h, inclusive, the appointing
2102 authority shall appoint a substitute member for proceedings on such
2103 proposal. An appointee shall report any substantial financial or
2104 employment interest which might conflict with the proper discharge of
2105 his duties under said sections to the appointing authority who shall
2106 determine if such conflict exists. If any state agency is the applicant, an
2107 appointee shall not be deemed to have a substantial employment
2108 conflict of interest because of employment with the state unless such
2109 appointee is directly employed by the state agency making the
2110 application.

2111 (e) The chairman of the council shall be appointed by the Governor
2112 from among the five public members appointed by him, with the
2113 advice and consent of the House or Senate, and shall serve as chairman

2114 at the pleasure of the Governor.

2115 (f) The public members of the council, including the chairman, the
2116 members appointed by the speaker of the House and president pro
2117 tempore of the Senate and the four ad hoc members specified in
2118 subsection (c) of this section, shall be compensated for their attendance
2119 at public hearings, executive sessions, or other council business as may
2120 require their attendance at the rate of two hundred dollars, provided in
2121 no case shall the daily compensation exceed two hundred dollars.

2122 (g) The council shall, in addition to its other duties prescribed in this
2123 chapter, adopt, amend, or rescind suitable regulations to carry out the
2124 provisions of this chapter and the policies and practices of the council
2125 in connection therewith, and appoint and prescribe the duties of such
2126 staff as may be necessary to carry out the provisions of this chapter.
2127 The chairman of the council, with the consent of five or more other
2128 members of the council, may appoint an executive director, who shall
2129 be the chief administrative officer of the Connecticut Siting Council.
2130 The executive director shall be exempt from classified service.

2131 (h) Prior to commencing any hearing pursuant to section 16-50m,
2132 the council shall consult with and solicit written comments from the
2133 Department of Energy and Environmental Protection, the Department
2134 of Public Health, the Council on Environmental Quality, the
2135 Department of Agriculture, the [Department of Public Utility Control]
2136 Public Utilities Regulatory Authority, the Office of Policy and
2137 Management, the Department of Economic and Community
2138 Development and the Department of Transportation. In addition, the
2139 Department of Energy and Environmental Protection shall have the
2140 continuing responsibility to investigate and report to the council on all
2141 applications which prior to October 1, 1973, were within the
2142 jurisdiction of [said] the Department of Environmental Protection with
2143 respect to the granting of a permit. Copies of such comments shall be
2144 made available to all parties prior to the commencement of the
2145 hearing. Subsequent to the commencement of the hearing, said
2146 departments and council may file additional written comments with

2147 the council within such period of time as the council designates. All
2148 such written comments shall be made part of the record provided by
2149 section 16-50o. Said departments and council shall not enter any
2150 contract or agreement with any party to the proceedings or hearings
2151 described in this section or section 16-50p, that requires said
2152 departments or council to withhold or retract comments, refrain from
2153 participating in or withdraw from said proceedings or hearings.

2154 Sec. 33. Section 16-245m of the general statutes is repealed and the
2155 following is substituted in lieu thereof (*Effective July 1, 2011*):

2156 (a) (1) On and after January 1, 2000, the [Department of Public
2157 Utility Control] Public Utilities Regulatory Authority shall assess or
2158 cause to be assessed a charge of three mills per kilowatt hour of
2159 electricity sold to each end use customer of an electric distribution
2160 company to be used to implement the program as provided in this
2161 section for conservation and load management programs but not for
2162 the amortization of costs incurred prior to July 1, 1997, for such
2163 conservation and load management programs.

2164 (2) Notwithstanding the provisions of this section, receipts from
2165 such charge shall be disbursed to the resources of the General Fund
2166 during the period from July 1, 2003, to June 30, 2005, unless the
2167 [department] authority shall, on or before October 30, 2003, issue a
2168 financing order for each affected electric distribution company in
2169 accordance with sections 16-245e to 16-245k, inclusive, to sustain
2170 funding of conservation and load management programs by
2171 substituting an equivalent amount, as determined by the [department]
2172 authority in such financing order, of proceeds of rate reduction bonds
2173 for disbursement to the resources of the General Fund during the
2174 period from July 1, 2003, to June 30, 2005. The [department] authority
2175 may authorize in such financing order the issuance of rate reduction
2176 bonds that substitute for disbursement to the General Fund for receipts
2177 of both the charge under this subsection and under subsection (b) of
2178 section 16-245n and also may, in its discretion, authorize the issuance
2179 of rate reduction bonds under this subsection and subsection (b) of

2180 section 16-245n that relate to more than one electric distribution
2181 company. The [department] authority shall, in such financing order or
2182 other appropriate order, offset any increase in the competitive
2183 transition assessment necessary to pay principal, premium, if any,
2184 interest and expenses of the issuance of such rate reduction bonds by
2185 making an equivalent reduction to the charge imposed under this
2186 subsection, provided any failure to offset all or any portion of such
2187 increase in the competitive transition assessment shall not affect the
2188 need to implement the full amount of such increase as required by this
2189 subsection and by sections 16-245e to 16-245k, inclusive. Such
2190 financing order shall also provide if the rate reduction bonds are not
2191 issued, any unrecovered funds expended and committed by the
2192 electric distribution companies for conservation and load management
2193 programs, provided such expenditures were approved by the
2194 [department] authority after August 20, 2003, and prior to the date of
2195 determination that the rate reduction bonds cannot be issued, shall be
2196 recovered by the companies from their respective competitive
2197 transition assessment or systems benefits charge but such expenditures
2198 shall not exceed four million dollars per month. All receipts from the
2199 remaining charge imposed under this subsection, after reduction of
2200 such charge to offset the increase in the competitive transition
2201 assessment as provided in this subsection, shall be disbursed to the
2202 Energy Conservation and Load Management Fund commencing as of
2203 July 1, 2003. Any increase in the competitive transition assessment or
2204 decrease in the conservation and load management component of an
2205 electric distribution company's rates resulting from the issuance of or
2206 obligations under rate reduction bonds shall be included as rate
2207 adjustments on customer bills.

2208 (3) In the financing order authorizing the economic recovery
2209 revenue bonds, or other appropriate order, the [department] authority
2210 shall reduce the charge assessed by subdivision (1) of this subsection
2211 by thirty-five per cent. Such reduction shall become effective on April
2212 4, 2012, or such earlier date set by the [department] authority in the
2213 financing order. An amount equivalent to such reduction shall

2214 constitute a portion of the competitive transition assessment in respect
2215 of the economic recovery revenue bonds, provided any failure to offset
2216 all or any portion of such competitive transition assessment shall not
2217 affect the requirement to implement the full amount of such
2218 competitive transition assessment, as required by sections 16-245e to
2219 16-245k, inclusive. All receipts from the remaining charge, after
2220 reduction of such charge as provided in this subsection, shall be
2221 disbursed to the Energy Conservation and Load Management Fund.
2222 The competitive transition assessment in respect to the economic
2223 recovery revenue bonds or the decrease in the conservation and load
2224 management component of an electric distribution company's rates
2225 resulting from the issuance of or obligations under the economic
2226 recovery revenue bonds shall be included as rate adjustments on
2227 customer bills.

2228 (b) The electric distribution company shall establish an Energy
2229 Conservation and Load Management Fund which shall be held
2230 separate and apart from all other funds or accounts. Receipts from the
2231 charge imposed under subsection (a) of this section shall be deposited
2232 into the fund. Any balance remaining in the fund at the end of any
2233 fiscal year shall be carried forward in the fiscal year next succeeding.
2234 Disbursements from the fund by electric distribution companies to
2235 carry out the plan developed under subsection (d) of this section shall
2236 be authorized by the [Department of Public Utility Control] Public
2237 Utilities Regulatory Authority upon its approval of such plan.

2238 (c) The [Department of Public Utility Control] Commissioner of
2239 Energy and Environmental Protection shall appoint and convene an
2240 Energy Conservation Management Board which shall include
2241 representatives of: (1) An environmental group knowledgeable in
2242 energy conservation program collaboratives; (2) a representative of the
2243 Office of Consumer Counsel; (3) the Attorney General; [(4) the
2244 Department of Environmental Protection; (5)] (4) the electric
2245 distribution companies in whose territories the activities take place for
2246 such programs; [(6)] (5) a state-wide manufacturing association; [(7)]
2247 (6) a chamber of commerce; [(8)] (7) a state-wide business association;

2248 [(9)] (8) a state-wide retail organization; [(10)] (9) a representative of a
2249 municipal electric energy cooperative created pursuant to chapter
2250 101a; [(11)] (10) two representatives selected by the gas companies in
2251 this state; and [(12)] (11) residential customers. Such members shall
2252 serve for a period of five years and may be reappointed.
2253 Representatives of [the] gas companies, [shall not vote on matters
2254 unrelated to gas conservation. Representatives of the] electric
2255 distribution companies and the municipal electric energy cooperative
2256 shall [not vote on matters unrelated to electricity conservation] be
2257 nonvoting members of the board. The commissioner shall serve as the
2258 chair of the board.

2259 (d) (1) The Energy Conservation Management Board shall advise
2260 and assist the electric distribution companies in the development and
2261 implementation of a comprehensive plan, which plan shall be
2262 approved by the Department of [Public Utility Control] Energy and
2263 Environmental Protection, to implement cost-effective energy
2264 conservation programs and market transformation initiatives. Such
2265 plan shall include steps that would be needed to achieve the goal of
2266 weatherization of eighty per cent of the state's residential units by
2267 2030. Each program contained in the plan shall be reviewed by the
2268 electric distribution company and either accepted or rejected by the
2269 Energy Conservation Management Board prior to submission to the
2270 department for approval. The Energy Conservation Management
2271 Board shall, as part of its review, examine opportunities to offer joint
2272 programs providing similar efficiency measures that save more than
2273 one fuel resource or otherwise to coordinate programs targeted at
2274 saving more than one fuel resource. Any costs for joint programs shall
2275 be allocated equitably among the conservation programs. The Energy
2276 Conservation Management Board shall give preference to projects that
2277 maximize the reduction of federally mandated congestion charges. The
2278 Department of [Public Utility Control] Energy and Environmental
2279 Protection shall, in an uncontested proceeding during which the
2280 department may hold a public hearing, approve, modify or reject the
2281 comprehensive plan prepared pursuant to this subsection.

2282 (2) There shall be a joint committee of the Energy Conservation
2283 Management Board and the [Renewable Energy Investments Board]
2284 board of directors of the Clean Energy Finance and Investment
2285 Authority. The board and the advisory committee shall each appoint
2286 members to such joint committee. The joint committee shall examine
2287 opportunities to coordinate the programs and activities funded by the
2288 [Renewable] Clean Energy [Investment] Fund pursuant to section 16-
2289 245n, as amended by this act, with the programs and activities
2290 contained in the plan developed under this subsection to reduce the
2291 long-term cost, environmental impacts and security risks of energy in
2292 the state. Such joint committee shall hold its first meeting on or before
2293 August 1, 2005.

2294 (3) Programs included in the plan developed under subdivision (1)
2295 of this subsection shall be screened through cost-effectiveness testing
2296 [which] that compares the value and payback period of program
2297 benefits to program costs to ensure that programs are designed to
2298 obtain energy savings and system benefits, including mitigation of
2299 federally mandated congestion charges, whose value is greater than
2300 the costs of the programs. [Cost-effectiveness testing shall utilize
2301 available information obtained from real-time monitoring systems to
2302 ensure accurate validation and verification of energy use. Such testing
2303 shall include an analysis of the effects of investments on increasing the
2304 state's load factor.] Program cost-effectiveness shall be reviewed
2305 annually, or otherwise as is practicable, and shall incorporate the
2306 results of the evaluation process set forth in subdivision (4) of this
2307 subsection. If a program is determined to fail the cost-effectiveness test
2308 as part of the review process, it shall either be modified to meet the test
2309 or shall be terminated. On or before March 1, 2005, and on or before
2310 March first annually thereafter, the board shall provide a report, in
2311 accordance with the provisions of section 11-4a, to the joint standing
2312 committees of the General Assembly having cognizance of matters
2313 relating to energy and the environment [(A)] that documents (A)
2314 expenditures and fund balances and evaluates the cost-effectiveness of
2315 such programs conducted in the preceding year, and (B) [that

2316 documents] the extent to and manner in which the programs of such
2317 board collaborated and cooperated with programs, established under
2318 section 7-233y, of municipal electric energy cooperatives. To maximize
2319 the reduction of federally mandated congestion charges, programs in
2320 the plan may allow for disproportionate allocations between the
2321 amount of contributions to the Energy Conservation and Load
2322 Management Funds by a certain rate class and the programs that
2323 benefit such a rate class. Before conducting such evaluation, the board
2324 shall consult with the [Renewable Energy Investments Board] board of
2325 directors of the Clean Energy Finance and Investment Authority. The
2326 report shall include a description of the activities undertaken during
2327 the reporting period jointly or in collaboration with the [Renewable]
2328 Clean Energy [Investment] Fund established pursuant to subsection (c)
2329 of section 16-245n, as amended by this act.

2330 (4) The Department of Energy and Environmental Protection shall
2331 adopt an independent, comprehensive program evaluation,
2332 measurement and verification process to ensure the Energy
2333 Conservation Management Board's programs are administered
2334 appropriately and efficiently, comply with statutory requirements,
2335 programs and measures are cost effective, evaluation reports are
2336 accurate and issued in a timely manner, evaluation results are
2337 appropriately and accurately taken into account in program
2338 development and implementation, and information necessary to meet
2339 any third-party evaluation requirements is provided. An annual
2340 schedule and budget for evaluations as determined by the board shall
2341 be included in the plan filed with the department pursuant to
2342 subdivision (1) of this subsection. The electric distribution and gas
2343 company representatives and the representative of a municipal electric
2344 energy cooperative may not vote on board plans, budgets,
2345 recommendations, actions or decisions regarding such process or its
2346 program evaluations and their implementation. Program and measure
2347 evaluation, measurement and verification shall be conducted on an
2348 ongoing basis, with emphasis on impact and process evaluations,
2349 programs or measures that have not been studied, and those that

2350 account for a relatively high percentage of program spending.
2351 Evaluations shall use statistically valid monitoring and data collection
2352 techniques appropriate for the programs or measures being evaluated.
2353 All evaluations shall contain a description of any problems
2354 encountered in the process of the evaluation, including, but not limited
2355 to, data collection issues, and recommendations regarding addressing
2356 those problems in future evaluations. The board shall contract with
2357 one or more consultants not affiliated with the board members to act as
2358 an evaluation administrator, advising the board regarding
2359 development of a schedule and plans for evaluations and overseeing
2360 the program evaluation, measurement and verification process on
2361 behalf of the board. Consistent with board processes and approvals
2362 and department decisions regarding evaluation, such evaluation
2363 administrator shall implement the evaluation process by preparing
2364 requests for proposals and selecting evaluation contractors to perform
2365 program and measure evaluations and by facilitating communications
2366 between evaluation contractors and program administrators to ensure
2367 accurate and independent evaluations. In the evaluation
2368 administrator's discretion and at his or her request, the electric
2369 distribution and gas companies shall communicate with the evaluation
2370 administrator for purposes of data collection, vendor contract
2371 administration, and providing necessary factual information during
2372 the course of evaluations. The evaluation administrator shall bring
2373 unresolved administrative issues or problems that arise during the
2374 course of an evaluation to the board for resolution, but shall have sole
2375 authority regarding substantive and implementation decisions
2376 regarding any evaluation. Board members, including electric
2377 distribution and gas company representatives, may not communicate
2378 with an evaluation contractor about an ongoing evaluation except with
2379 the express permission of the evaluation administrator, which may
2380 only be granted if the administrator believes the communication will
2381 not compromise the independence of the evaluation. The evaluation
2382 administrator shall file evaluation reports with the board and with the
2383 department in its most recent uncontested proceeding pursuant to
2384 subdivision (1) of this subsection and the board shall post a copy of

2385 each report on its Internet web site. The board and its members,
2386 including electric distribution and gas company representatives, may
2387 file written comments regarding any evaluation with the department
2388 or for posting on the board's Internet web site. Within fourteen days of
2389 the filing of any evaluation report, the department, members of the
2390 board or other interested persons may request in writing, and the
2391 department shall conduct, a transcribed technical meeting to review
2392 the methodology, results and recommendations of any evaluation.
2393 Participants in any such transcribed technical meeting shall include the
2394 evaluation administrator, the evaluation contractor and the Office of
2395 Consumer Counsel at its discretion. On or before November 1, 2011,
2396 and annually thereafter, the board shall report to the joint standing
2397 committee of the General Assembly having cognizance of matters
2398 relating to energy, annually, with the results and recommendations of
2399 completed program evaluations.

2400 [(4)] (5) Programs included in the plan developed under subdivision
2401 (1) of this subsection may include, but not be limited to: (A)
2402 Conservation and load management programs, including programs
2403 that benefit low-income individuals; (B) research, development and
2404 commercialization of products or processes which are more energy-
2405 efficient than those generally available; (C) development of markets for
2406 such products and processes; (D) support for energy use assessment,
2407 real-time monitoring systems, engineering studies and services related
2408 to new construction or major building renovation; (E) the design,
2409 manufacture, commercialization and purchase of energy-efficient
2410 appliances and heating, air conditioning and lighting devices; (F)
2411 program planning and evaluation; (G) indoor air quality programs
2412 relating to energy conservation; (H) joint fuel conservation initiatives
2413 programs targeted at reducing consumption of more than one fuel
2414 resource; (I) public education regarding conservation; and (J) [the]
2415 demand-side technology programs recommended by the
2416 [procurement] integrated resources plan approved by the Department
2417 of [Public Utility Control] Energy and Environmental Protection
2418 pursuant to section 16a-3a. The board shall periodically review

2419 contractors to determine whether they are qualified to conduct work
2420 related to such programs. Such support may be by direct funding,
2421 manufacturers' rebates, sale price and loan subsidies, leases and
2422 promotional and educational activities. The plan shall also provide for
2423 expenditures by the Energy Conservation Management Board for the
2424 retention of expert consultants and reasonable administrative costs
2425 provided such consultants shall not be employed by, or have any
2426 contractual relationship with, an electric distribution company. Such
2427 costs shall not exceed five per cent of the total revenue collected from
2428 the assessment.

2429 [(e) Notwithstanding the provisions of subsections (a) to (d),
2430 inclusive, of this section, the Department of Public Utility Control shall
2431 authorize the disbursement of a total of one million dollars in each
2432 month, commencing with July, 2003, and ending with July, 2005, from
2433 the Energy Conservation and Load Management Funds established
2434 pursuant to said subsections. The amount disbursed from each Energy
2435 Conservation and Load Management Fund shall be proportionately
2436 based on the receipts received by each fund. Such disbursements shall
2437 be deposited in the General Fund.]

2438 [(f)] (e) No later than December 31, 2006, and no later than
2439 December thirty-first every five years thereafter, the Energy
2440 Conservation Management Board shall, after consulting with the
2441 [Renewable Energy Investments Board] Clean Energy Finance and
2442 Investment Authority, conduct an evaluation of the performance of the
2443 programs and activities of the fund and submit a report, in accordance
2444 with the provisions of section 11-4a, of the evaluation to the joint
2445 standing committee of the General Assembly having cognizance of
2446 matters relating to energy.

2447 [(g)] (f) Repealed by P.A. 06-186, S. 91, effective July 1, 2006.

2448 Sec. 34. Section 16-245y of the general statutes is repealed and the
2449 following is substituted in lieu thereof (*Effective July 1, 2011*):

2450 (a) Not later than October 1, 1999, and annually thereafter, each

2451 electric company and electric distribution company, as defined in
2452 section 16-1, shall report to the [Department of Public Utility Control]
2453 Public Utilities Regulatory Authority its system average interruption
2454 duration index (SAIDI) and its system average interruption frequency
2455 index (SAIFI) for the preceding twelve months. For purposes of this
2456 section: (1) Interruptions shall not include outages attributable to major
2457 storms, scheduled outages and outages caused by customer
2458 equipment, each as determined by the department; (2) SAIDI shall be
2459 calculated as the sum of customer interruptions in the preceding
2460 twelve-month period, in minutes, divided by the average number of
2461 customers served during that period; and (3) SAIFI shall be calculated
2462 as the total number of customers interrupted in the preceding twelve-
2463 month period, divided by the average number of customers served
2464 during that period. Not later than January 1, 2000, and annually
2465 thereafter, the [department] authority shall report on the SAIDI and
2466 SAIFI data for each electric company and electric distribution, and all
2467 state-wide SAIDI and SAIFI data to the joint standing committee of the
2468 General Assembly having cognizance of matters relating to energy.

2469 (b) Not later than October 1, [1999] 2011, and annually thereafter,
2470 each electric supplier, as defined in section 16-1, shall report to the
2471 Department of [Public Utility Control and the Department of] Energy
2472 and Environmental Protection and the Public Utilities Regulatory
2473 Authority the following information regarding the preceding twelve-
2474 month period or any part thereof that the supplier has been licensed
2475 pursuant to section 16-245: (1) Total megawatt hours of electricity
2476 produced from generating facilities owned by the supplier or under
2477 long-term contract to the supplier that are sold to end use customers in
2478 the state; (2) total megawatt hours of electricity purchased by the
2479 supplier from other sources and sold to end use customers in the state;
2480 (3) the proportion of such production from facilities listed under
2481 subdivision (1) of this subsection that use nuclear fuels, oil, coal,
2482 natural gas, hydropower and other fuels as the principal generation
2483 fuel; and (4) the amount of emissions from facilities listed under
2484 subdivision (1) of this subsection of the pollutants identified by the

2485 Department of Energy and Environmental Protection, which shall
2486 include, but not be limited to: (A) Volatile organic compounds; (B)
2487 nitrogen oxides; (C) sulfur oxides; (D) carbon dioxide; (E) carbon
2488 monoxide; (F) particulates; and (G) heavy metals. Not later than
2489 January 1, 2000, and annually thereafter, the Department of Energy
2490 and Environmental Protection, in consultation with the [Department of
2491 Public Utility Control] Public Utilities Regulatory Authority, shall
2492 report state-wide data for these variables to the joint standing
2493 committees of the General Assembly having cognizance of matters
2494 relating to the environment and energy.

2495 [(c) Not later than January 1, 1999, and annually thereafter until
2496 January 1, 2005, the Department of Public Utility Control shall report
2497 to the joint standing committees of the General Assembly having
2498 cognizance of matters relating to energy and labor the number of
2499 dislocated workers contained on the roster established pursuant to
2500 section 16-245v and the number of such workers hired by electric
2501 suppliers in the preceding twelve months.]

2502 [(d)] (c) Not later than January 1, [1999] 2011, and annually
2503 thereafter, the Department of [Public Utility Control] Energy and
2504 Environmental Protection shall report to the joint standing committee
2505 of the General Assembly having cognizance of matters relating to
2506 energy the number of applicants for licensure pursuant to section 16-
2507 245 during the preceding twelve months, the number of applicants
2508 licensed by the department and the average period of time taken to
2509 process a license application.

2510 Sec. 35. (*Effective from passage*) Notwithstanding the provisions of
2511 sections 4-30a and 4-30b of the general statutes, after the accounts for
2512 the fiscal year ending June 30, 2011, are closed, if the Comptroller
2513 determines there exists an unappropriated surplus in the General
2514 Fund, the amount of any such surplus shall first be used for returning
2515 to any end use customer who made payments pursuant to subsection
2516 (c) of section 16-245f of the general statutes an amount equal to such
2517 payments, or, should such unappropriated surplus be less than such

2518 amount, such surplus shall first be used for returning to any such end
2519 use customer a pro rata share of such payments.

2520 Sec. 36. Section 16a-2 of the general statutes is repealed and the
2521 following is substituted in lieu thereof (*Effective July 1, 2011*):

2522 As used in this chapter: [and sections 16a-45a, 16a-46, 16a-46a and
2523 16a-46b:]

2524 (a) "Office" means the Office of Policy and Management;

2525 (b) "Board" means the Connecticut Energy Advisory Board;

2526 (c) "Secretary" means the Secretary of the Office of Policy and
2527 Management;

2528 (d) "Energy" means work or heat that is, or may be, produced from
2529 any fuel or source whatsoever;

2530 (e) "Energy emergency" means a situation where the health, safety
2531 or welfare of the citizens of the state is threatened by an actual or
2532 impending acute shortage in usable energy resources;

2533 (f) "Energy resource" means natural gas, petroleum products, coal
2534 and coal products, wood fuels, geothermal sources, radioactive
2535 materials and any other resource yielding energy;

2536 (g) "Person" means any individual, firm, partnership, association,
2537 syndicate, company, trust, corporation, limited liability company,
2538 municipality, agency or political or administrative subdivision of the
2539 state, or other legal entity of any kind;

2540 (h) "Service area" means any geographic area serviced by the same
2541 energy-producing public service company, as defined in section 16-1;

2542 (i) "Renewable resource" means solar, wind, water, wood or other
2543 biomass source of energy and geothermal energy;

2544 (j) "Energy-related products" means (1) energy systems and

2545 equipment that utilize renewable resources to provide space heating or
2546 cooling, water heating, electricity or other useful energy, (2) insulation
2547 materials, and (3) equipment designed to conserve energy or increase
2548 the efficiency of its use, including that used for residential, commercial,
2549 industrial and transportation purposes;

2550 (k) "Energy-related services" means (1) the design, construction,
2551 installation, inspection, maintenance, adjustment or repair of energy-
2552 related products, (2) inspection, adjustment, maintenance or repair of
2553 any conventional energy system, (3) the performance of energy audits
2554 or the provision of energy management consulting services, and (4)
2555 weatherization activities carried out under any federal, state or
2556 municipal program;

2557 (l) "Conventional energy system" means any system for supplying
2558 space heating or cooling, ventilation or domestic or commercial hot
2559 water which is not included in subdivision (1) of subsection (j) of this
2560 section;

2561 (m) "Energy supply" means any energy resource capable of being
2562 used to perform useful work and any form of energy such as electricity
2563 produced or derived from energy resources which may be so used;
2564 and

2565 (n) "Energy facility" means a structure that generates, transmits or
2566 stores electricity, natural gas, refined petroleum products, renewable
2567 fuels, coal and coal products, wood fuels, geothermal sources,
2568 radioactive material and other resources yielding energy.

2569 Sec. 37. Section 16a-3 of the general statutes is repealed and the
2570 following is substituted in lieu thereof (*Effective July 1, 2011*):

2571 (a) There is established a Connecticut Energy Advisory Board
2572 consisting of [fifteen] nine members, including [the Commissioner of
2573 Environmental Protection, the chairperson of the Public Utilities
2574 Control Authority, the Commissioner of Transportation,] the Office of
2575 Consumer Counsel, [, the Commissioner of Agriculture, and the

2576 Secretary of the Office of Policy and Management, or their respective
2577 designees. The Governor] The president pro tempore of the Senate
2578 shall appoint a representative of an environmental organization
2579 knowledgeable in energy efficiency programs, a representative of a
2580 consumer advocacy organization and a representative of a state-wide
2581 business association. [The president pro tempore of the Senate shall
2582 appoint a representative of a chamber of commerce, a representative of
2583 a state-wide manufacturing association and a member of the public
2584 considered to be an expert in electricity, generation, procurement or
2585 conservation programs.] The speaker of the House of Representatives
2586 shall appoint a representative of low-income ratepayers, [a
2587 representative of state residents, in general, with expertise in energy
2588 issues] a representative of academia who has knowledge of energy
2589 related issues and a member of the public considered to be an expert in
2590 electricity, generation, renewable energy, procurement or conservation
2591 programs. The minority leader of the Senate shall appoint a
2592 representative of a municipality. The minority leader of the House of
2593 Representatives shall appoint a member of the public considered to be
2594 an expert in electricity, generation, renewable energy, procurement or
2595 conservation. All appointed members shall serve in accordance with
2596 section 4-1a. No appointee may be employed by, or a consultant of, a
2597 public service company, as defined in section 16-1, or an electric
2598 supplier, as defined in section 16-1, or an affiliate or subsidiary of such
2599 company or supplier.

2600 (b) The board shall (1) [represent the state in regional energy system
2601 planning processes conducted by the regional independent system
2602 operator, as defined in section 16-1; (2) encourage representatives from
2603 the municipalities that are affected by a proposed project of regional
2604 significance to participate in regional energy system planning
2605 processes conducted by the regional independent system operator; (3)
2606 participate in a forecast proceeding conducted pursuant to subsection
2607 (a) of section 16-50r; (4) participate in a life-cycle proceeding conducted
2608 pursuant to subsection (b) of section 16-50r; and (5) review the
2609 procurement plan submitted by the electric distribution companies

2610 pursuant to section 16a-3a] report to the General Assembly on the
2611 status of programs administered by the Department of Energy and
2612 Environmental Protection, (2) consult with the Commissioner of
2613 Energy and Environmental Protection regarding the integrated
2614 resource plan developed pursuant to section 16a-3a, and (3) review,
2615 within available resources, requests from the General Assembly.

2616 (c) The board shall elect a chairman and a vice-chairman from
2617 among its members and shall adopt such rules of procedure as are
2618 necessary to carry out its functions.

2619 (d) The board shall convene its first meeting not later than
2620 September 1, [2003] 2011. A quorum of the board shall consist of two-
2621 thirds of the members currently serving on the board.

2622 (e) The board shall employ such staff as is required for the proper
2623 discharge of its duties. The board may also retain any third-party
2624 consultants it deems necessary to accomplish the goals set forth in
2625 subsection (b) of this section. The board shall annually submit to the
2626 Department of [Public Utility Control] Energy and Environmental
2627 Protection a proposal regarding the level of funding required for the
2628 discharge of its duties, which proposal shall be approved by the
2629 department either as submitted or as modified by the department,
2630 provided the total funding for the board, including, but not limited to,
2631 staff and third-party consultants, shall not exceed one million five
2632 hundred thousand dollars in any fiscal year.

2633 (f) The Connecticut Energy Advisory Board shall be within the
2634 [Office of Policy and Management] Department of Energy and
2635 Environmental Protection for administrative purposes only.

2636 Sec. 38. Section 16-19ss of the general statutes is repealed and the
2637 following is substituted in lieu thereof (*Effective July 1, 2011*):

2638 (a) The [Department of Public Utility Control] Public Utilities
2639 Regulatory Authority may, from July 1, 2003, to January 1, 2008,
2640 inclusive, determine, by an affirmative vote of four [commissioners]

2641 directors of the [Public Utilities Control Authority] authority, that (1)
2642 safe, adequate and reasonably priced electricity is not available on the
2643 wholesale market; (2) additional temporary electric generation
2644 facilities will result in reductions in federally mandated congestion
2645 costs for which the ratepayers of the state are responsible; and (3) the
2646 prices and costs specified in subdivision (2) of this subsection will
2647 exceed the cost of investment in temporary electric generation
2648 facilities. Such determination shall be in writing and shall state the
2649 reasons supporting the determination.

2650 (b) Upon issuing a determination pursuant to subsection (a) of this
2651 section, the [department] authority shall hold a contested case
2652 proceeding, in accordance with the provisions of chapter 54, to
2653 develop a request for proposal to solicit the provision of such
2654 additional temporary electric generation facilities, containing such
2655 terms and conditions that will best serve the interests of the public. The
2656 request for proposal process shall be designed to ensure fairness and
2657 full participation by all qualified responders.

2658 (c) The [department] authority may negotiate for terms and
2659 conditions necessary to conclude a transaction with one or more
2660 entities responding to a request for proposal, after notice to all entities
2661 that responded. The [department] authority shall base its decision to
2662 conclude a transaction on the best interest of the public and ratepayers.

2663 (d) Nothing in this section shall be construed to allow an electric
2664 distribution company to own, operate, lease or control any facility or
2665 asset that generates electricity, or retain any interest in such facility or
2666 asset as part of any transaction concluded pursuant to this section,
2667 except as provided in subsection (e) of section 16-244e and sections 16-
2668 43d, 16-243m, 16-243u, 16a-3b and 16a-3c.

2669 Sec. 39. Section 16a-3b of the general statutes is repealed and the
2670 following is substituted in lieu thereof (*Effective July 1, 2011*):

2671 (a) The [Department of Public Utility Control] Public Utilities
2672 Regulatory Authority shall oversee the implementation of the

2673 [procurement] integrated resources plan approved by the [Department
2674 of Public Utility Control] Commissioner of Energy and Environmental
2675 Protection pursuant to section 16a-3a, as amended by this act. The
2676 electric distribution companies shall implement the demand-side
2677 measures, including, but not limited to, energy efficiency, load
2678 management, demand response, combined heat and power facilities,
2679 distributed generation and other emerging energy technologies,
2680 specified in said [procurement] plan through the comprehensive
2681 conservation and load management plan prepared pursuant to section
2682 16-245m, as amended by this act, for review by the Energy
2683 Conservation Management Board. The electric distribution companies
2684 shall submit proposals to appropriate regulatory agencies to address
2685 transmission and distribution upgrades as specified in said
2686 [procurement] plan.

2687 (b) If the [procurement] integrated resources plan specifies the
2688 construction of a generating facility, the [department] authority shall
2689 develop and issue a request for proposals, shall publish such request
2690 for proposals in one or more newspapers or periodicals, as selected by
2691 the [department] authority, and shall post such request for proposals
2692 on its web site. Pursuant to a nondisclosure agreement, the
2693 [department] authority shall make available to the Office of Consumer
2694 Counsel and the Attorney General all confidential bid information it
2695 receives pursuant to this subsection, provided the bids and any
2696 analysis of such bids shall not be subject to disclosure under the
2697 Freedom of Information Act. Three months after the [department]
2698 authority issues a final decision, it shall make available all financial bid
2699 information, provided such information regarding the bidders not
2700 selected be presented in a manner that conceals the identities of such
2701 bidders.

2702 (1) On and after July 1, 2008, an electric distribution company may
2703 submit proposals in response to a request for proposals on the same
2704 basis as other respondents to the solicitation. A proposal submitted by
2705 an electric distribution company shall include its full projected costs
2706 such that any project costs recovered from or defrayed by ratepayers

2707 are included in the projected costs. An electric distribution company
2708 submitting any such bid shall demonstrate to the satisfaction of the
2709 [department] authority that its bid is not supported in any form of
2710 cross subsidization by affiliated entities. If the [department] authority
2711 approves such electric distribution company's proposal, the costs and
2712 revenues of such proposal shall not be included in calculating such
2713 company's earning for purposes of, or in determining whether its rates
2714 are just and reasonable under, sections 16-19, 16-19a and 16-19e. An
2715 electric distribution company shall not recover more than the full costs
2716 identified in any approved proposal. Affiliates of the electric
2717 distribution company may submit proposals pursuant to section 16-
2718 244h, regulations adopted pursuant to section 16-244h, as amended by
2719 this act, and other requirements the [department] authority may
2720 impose.

2721 (2) If the [department] authority selects a nonelectric distribution
2722 company proposal, an electric distribution company shall, within
2723 thirty days of the selection of a proposal by the [department] authority,
2724 negotiate in good faith the final terms of a contract with a generating
2725 facility and shall apply to the [department] authority for approval of
2726 such contract. Upon [department] authority approval, the electric
2727 distribution company shall enter into such contract.

2728 (3) The [department] authority shall determine the appropriate
2729 manner of cost recovery for proposals selected pursuant to this section.

2730 (4) The [department] authority may retain the services of a third-
2731 party entity with expertise in the area of energy procurement to
2732 oversee the development of the request for proposals and to assist the
2733 [department] authority in its approval of proposals pursuant to this
2734 section. The reasonable and proper expenses for retaining such third-
2735 party entity shall be recoverable through the generation services
2736 charge.

2737 (c) The electric distribution companies shall issue requests for
2738 proposals to acquire any other resource needs not identified in

2739 subsection (a) or (b) of this section but specified in the [procurement]
2740 integrated resources plan approved by the [Department of Public
2741 Utility Control] Commissioner of Energy and Environmental
2742 Protection pursuant to section 16a-3a, as amended by this act. Such
2743 requests for proposals shall be subject to approval by the [department]
2744 authority.

2745 Sec. 40. Section 16a-3c of the general statutes is repealed and the
2746 following is substituted in lieu thereof (*Effective July 1, 2011*):

2747 (a) On and after July 1, [2009] 2011, if the [Department of Public
2748 Utility Control] Public Utilities Regulatory Authority does not receive
2749 and approve proposals pursuant to the requests for proposals
2750 processes, pursuant to section 16a-3b, sufficient to reach the goal set by
2751 the integrated resources plan approved pursuant to section 16a-3a, the
2752 [department] authority may order an electric distribution company to
2753 submit for the [department's] authority's review in a contested case
2754 proceeding, in accordance with chapter 54, a proposal to build and
2755 operate an electric generation facility in the state. An electric
2756 distribution company shall be eligible to recover its prudently incurred
2757 costs consistent with the principles set forth in section 16-19e for any
2758 generation project approved pursuant to this section.

2759 (b) On or before January 1, 2008, the [department] authority shall
2760 initiate a contested case proceeding to determine the costs and benefits
2761 of the state serving as the builder of last resort for the shortfall of
2762 megawatts from said request for proposal process.

2763 Sec. 41. Section 16a-4 of the general statutes is repealed and the
2764 following is substituted in lieu thereof (*Effective July 1, 2011*):

2765 The Secretary of the Office of Policy and Management shall employ,
2766 subject to the provisions of chapter 67, such staff as is required for the
2767 proper discharge of duties of the office as set forth in this chapter and
2768 sections 4-5, as amended by this act, 4-124l, [4-124p,] 8-3b, 8-32a, 8-33a,
2769 8-35a, 8-189, subsection (b) of section 8-206, sections 16a-20, 16a-102,
2770 22a-352 and 22a-353. The secretary may adopt, pursuant to chapter 54,

2771 such regulations as are necessary to carry out the purposes of this
2772 chapter.

2773 Sec. 42. Subsection (b) of section 16a-7b of the general statutes is
2774 repealed and the following is substituted in lieu thereof (*Effective July*
2775 *1, 2011*):

2776 (b) No municipality other than a municipality operating a plant
2777 pursuant to chapter 101 or any special act and acting for purposes
2778 thereto may take an action to condemn, in whole or in part, or restrict
2779 the operation of any existing and currently operating energy facility, if
2780 such facility is first determined by the Department of [Public Utility
2781 Control] Public Utilities Regulatory Authority, following a contested
2782 case proceeding, held in accordance with the provisions of chapter 54,
2783 to comprise a critical, unique and unmovable component of the state's
2784 energy infrastructure, unless the municipality first receives written
2785 approval from the department, [the Office of Policy and Management,]
2786 the Connecticut Energy Advisory Board and the Connecticut Siting
2787 Council that such taking would not have a detrimental impact on the
2788 state's or region's ability to provide a particular energy resource to its
2789 citizens.

2790 Sec. 43. Subsection (a) of section 16a-7c of the general statutes is
2791 repealed and the following is substituted in lieu thereof (*Effective July*
2792 *1, 2011*):

2793 (a) Not later than fifteen days after receiving information pursuant
2794 to subsection (e) of section 16-50l, the Connecticut Energy Advisory
2795 Board shall publish such information in one or more newspapers or
2796 periodicals, as selected by the [board] Department of Energy and
2797 Environmental Protection.

2798 Sec. 44. Section 16a-22c of the general statutes is repealed and the
2799 following is substituted in lieu thereof (*Effective July 1, 2011*):

2800 For the purposes of sections 16a-15 and 16a-22c to 16a-22g,
2801 inclusive:

2802 (1) "Company" means any corporation, partnership, proprietorship
2803 or any other business, firm or commercial entity;

2804 (2) "Petroleum products" means middle distillate, residual fuel oil,
2805 liquefied petroleum gas, motor gasoline, aviation gasoline or aviation
2806 turbine fuel, as defined in regulations which the [secretary]
2807 commissioner shall adopt in accordance with the provisions of chapter
2808 54. Notwithstanding any provision of this subdivision to the contrary,
2809 "petroleum products" shall not include gasoline other than aviation
2810 gasoline, which is sold at retail in accordance with the provisions of
2811 chapter 250;

2812 (3) ["Secretary" means the Secretary of the Office of Policy and
2813 Management, or his designee.] "Commissioner" means the
2814 Commissioner of Energy and Environmental Protection, or the
2815 commissioner's designee.

2816 Sec. 45. Subsection (f) of section 16a-23t of the general statutes is
2817 repealed and the following is substituted in lieu thereof (*Effective July*
2818 *1, 2011*):

2819 (f) The [chairperson of the Public Utilities Control Authority, or the
2820 chairperson's designee, the] Commissioner of Social Services, or the
2821 commissioner's designee, the chairperson of the Connecticut Energy
2822 Advisory Board, and the Secretary of the Office of Policy and
2823 Management, or the secretary's designee, shall constitute a Home
2824 Heating Oil Planning Council to address issues involving the supply,
2825 delivery and costs of home heating oil and state policies regarding the
2826 future of the state's home heating oil supply. The Secretary of the
2827 Office of Policy and Management shall convene the first meeting of the
2828 council.

2829 Sec. 46. Subsection (b) of section 16a-38k of the general statutes is
2830 repealed and the following is substituted in lieu thereof (*Effective July*
2831 *1, 2011*):

2832 (b) Not later than January 1, 2007, the [Secretary of the Office of

2833 Policy and Management] Commissioner of Energy and Environmental
2834 Protection, in consultation with the Commissioner of Public Works [,
2835 the Commissioner of Environmental Protection] and the
2836 Commissioner of Public Safety, shall adopt regulations, in accordance
2837 with the provisions of chapter 54, to adopt state building construction
2838 standards that are consistent with or exceed the silver building rating
2839 of the Leadership in Energy and Environmental Design's rating system
2840 for new commercial construction and major renovation projects, as
2841 established by the United States Green Building Council, including
2842 energy standards that exceed those set forth in the 2004 edition of the
2843 American Society of Heating, Ventilating and Air Conditioning
2844 Engineers (ASHRAE) Standard 90.1 by no less than twenty per cent, or
2845 an equivalent standard, including, but not limited to, a two-globe
2846 rating in the Green Globes USA design program, and thereafter update
2847 such regulations as the [secretary] Commissioner of Energy and
2848 Environmental Protection deems necessary.

2849 Sec. 47. Section 16a-39 of the general statutes is repealed and the
2850 following is substituted in lieu thereof (*Effective July 1, 2011*):

2851 (a) As used in this section:

2852 (1) "Public building" means any building or portion thereof, other
2853 than an "exempted building", which is open to the public during
2854 normal business hours, including (A) any building which provides
2855 facilities or shelter for public assembly, (B) any inn, hotel, motel, sports
2856 arena, supermarket, transportation terminal, retail store, restaurant, or
2857 other commercial establishment which provides services or retails
2858 merchandise, and (C) any building owned or leased by the state of
2859 Connecticut or any political subdivision thereof, or by another state or
2860 political subdivision thereof and located in Connecticut, including
2861 libraries, museums, schools, hospitals, auditoriums, sports arenas and
2862 university buildings;

2863 (2) "Exempted building" means (A) any building whose peak design
2864 rate of energy usage for all purposes is less than one watt per square

2865 foot of floor area for all purposes, (B) any building with neither a
2866 heating nor cooling system, and (C) any building owned or leased in
2867 whole or in part by the United States;

2868 (3) "Commissioner" means the Commissioner of Public Works or his
2869 designee; and

2870 [(4) "Secretary" means the Secretary of the Office of Policy and
2871 Management or his designee; and]

2872 [(5)] (4) "Eligible building" means a building owned by a
2873 municipality, located within the state and not used for public
2874 education purposes.

2875 (b) The commissioner, after consultation with the [secretary]
2876 Commissioner of Energy and Environmental Protection and with such
2877 advisory board as [said secretary] the Commissioner of Energy and
2878 Environmental Protection may appoint, shall adopt, in accordance
2879 with chapter 54, regulations establishing lighting standards for all
2880 public buildings. The members of any such advisory board shall
2881 receive neither compensation nor expenses for the performance of their
2882 duties.

2883 (c) The lighting standards adopted pursuant to subsection (b) of this
2884 section shall provide for the maximum feasible energy efficiency of
2885 lighting equipment commensurate with other factors relevant to
2886 lighting levels and equipment, including, but not limited to, the
2887 purposes of the lighting, reasonable economic considerations in terms
2888 both of initial capital costs and of operating costs including nonenergy
2889 operating costs, reasonable budgetary considerations in terms of the
2890 feasibility of implementing changes which require a significant capital
2891 expenditure in a given time period, any constraints imposed on
2892 lighting equipment by the nature of the activities being carried out in
2893 the facility involved, considerations involving historic preservation or
2894 unusual architectural features, the amount of remaining useful lifetime
2895 which a particular structure would be expected to enjoy and the size of

2896 the building or portion of the building involved.

2897 (d) The commissioner shall, upon the adoption of the regulations
2898 required by subsection (b) of this section, make random inspections of
2899 public buildings to monitor compliance with the standards established
2900 by such regulations. The commissioner may also inspect any public
2901 buildings against which complaints alleging violation of such
2902 standards have been received. The operator of a public building or
2903 portion thereof shall provide access to such inspectors at any
2904 reasonable time, including all times during which the facility is open to
2905 the public. If an inspector is denied access to a public building for the
2906 purposes of making an inspection in accordance with the provisions of
2907 this section, the commissioner may apply to the superior court for the
2908 judicial district wherein such building is located for injunctive or other
2909 equitable relief. If upon inspection it is determined that the lighting
2910 levels in a public building do not conform to such standards, the
2911 inspector shall make available to the owner or operator of such
2912 building, information regarding such standards and the economic and
2913 energy savings expected to result from compliance therewith. The
2914 owner or operator of a public building may, after having taken
2915 appropriate measures to render such building in compliance with such
2916 standards request a reinspection of such building by the commissioner.
2917 The commissioner may, upon such request or at his own discretion,
2918 conduct such reinspection and determine whether or not such building
2919 has been brought into compliance with such standards.

2920 (e) The commissioner shall maintain a listing of all public buildings
2921 found to be in compliance with the lighting standards adopted
2922 pursuant to subsection (c) of this section.

2923 (f) The [secretary] Commissioner of Energy and Environmental
2924 Protection may award lighting grants to municipalities for the purpose
2925 of improving the energy efficiency of lighting equipment in eligible
2926 buildings. All lighting grants shall be awarded based on an
2927 application, submitted by a municipality, which sets forth the lighting
2928 conservation measures to be implemented. Such measures shall meet

2929 the standards established pursuant to subsection (b) of this section and
2930 be consistent with the state energy policy, as set forth in section 16a-
2931 35k. When evaluating the applications submitted pursuant to this
2932 section and determining the amount of a lighting grant, the [secretary]
2933 Commissioner of Energy and Environmental Protection shall consider
2934 the energy savings and the payback period for the measures to be
2935 implemented and any other information which the [secretary]
2936 Commissioner of Energy and Environmental Protection deems
2937 relevant. The funds for lighting grants shall be provided from proceeds
2938 of bonds issued for such purpose. The amount of each grant shall be
2939 not less than five thousand dollars but not more than fifty thousand
2940 dollars, provided the [secretary] Commissioner of Energy and
2941 Environmental Protection may award grants of less than five thousand
2942 dollars or more than fifty thousand dollars if the [secretary]
2943 Commissioner of Energy and Environmental Protection finds good
2944 cause to do so. All public service company incentive payments
2945 contributed to any energy conservation project at an eligible building
2946 shall be applied to pay the principal cost of that project.

2947 Sec. 48. Section 16a-41b of the general statutes is repealed and the
2948 following is substituted in lieu thereof (*Effective July 1, 2011*):

2949 (a) There shall be a Low-Income Energy Advisory Board which shall
2950 consist of the following members: The Secretary of the Office of Policy
2951 and Management or the secretary's designee; the Commissioner of
2952 Social Services or the commissioner's designee; the executive director
2953 of the Commission on Aging; a representative of each electric and gas
2954 public service company designated by each such company; the
2955 chairperson of the [Department of Public Utility Control or a
2956 commissioner of the Department of Public Utility Control designated
2957 by the chairperson; the] Public Utilities Regulatory Authority, or the
2958 chairperson's designee; the Consumer Counsel or the counsel's
2959 designee; the executive director of Operation Fuel; the executive
2960 director of Infoline; the director of the Connecticut Local
2961 Administrators of Social Services; the executive director of Legal
2962 Assistance Resource Center of Connecticut; the Connecticut president

2963 of AARP; a designee of the Norwich Public Utility; a designee of the
2964 Connecticut Petroleum Dealers Association; and a representative of the
2965 community action agencies administering energy assistance programs
2966 under contract with the Department of Social Services, designated by
2967 the Connecticut Association for Community Action.

2968 (b) The Low-Income Energy Advisory Board shall advise and assist
2969 the Office of Policy and Management and the Department of Social
2970 Services in the planning, development, implementation and
2971 coordination of energy-assistance-related programs and policies and
2972 low-income weatherization assistance programs and policies, shall
2973 advise the Department of [Public Utility Control] Energy and
2974 Environmental Protection regarding the impact of utility rates and
2975 policies, and shall make recommendations to the General Assembly
2976 regarding (1) legislation and plans subject to legislative approval, and
2977 (2) administration of the block grant program authorized under the
2978 Low-Income Energy Assistance Act, as described in section 16a-41a, to
2979 ensure affordable access to residential energy services to low-income
2980 state residents.

2981 (c) The Secretary of the Office of Policy and Management or the
2982 person designated by the secretary pursuant to subsection (a) of this
2983 section shall be the chairperson of the board.

2984 (d) The Secretary of the Office of Policy and Management shall
2985 convene the first meeting of the board not later than August 1, 2005.
2986 The secretary shall provide notice of meetings to the members of Low-
2987 Income Energy Advisory Board, provide space for such meetings,
2988 maintain minutes and publish reports of the board.

2989 Sec. 49. (NEW) (*Effective July 1, 2011*) (a) There is established a Fuel
2990 Oil Conservation Board consisting of thirteen members, including:

2991 (1) One member representing dealers with retail oil heat sales in
2992 excess of fifteen million gallons in the state, appointed by the president
2993 pro tempore of the Senate;

2994 (2) One member representing dealers with retail oil heat sales of less
2995 than fifteen million gallons in the state, appointed by the speaker of the
2996 House of Representatives;

2997 (3) One member representing the heating, ventilation and air-
2998 conditioning trades licensed under chapter 393 of the general statutes,
2999 appointed by the majority leader of the Senate;

3000 (4) One member representing wholesale heating distributors
3001 operating within the state, appointed by the majority leader of the
3002 House of Representatives;

3003 (5) One member representing a state-wide environmental advocacy
3004 group, appointed by the minority leader of the Senate;

3005 (6) The chairperson of the Heating, Piping, Cooling and Sheet Metal
3006 Work Board established under chapter 393 of the general statutes;

3007 (7) One member from a state-wide retail oil dealer trade association,
3008 appointed by the minority leader of the House of Representatives;

3009 (8) Six members of the public appointed by the Governor, one of
3010 whom shall be a representative of an environmental organization
3011 knowledgeable in energy efficiency programs, one of whom shall be a
3012 representative of an in-state biodiesel distributor, one of whom shall be
3013 a representative of a consumer advocacy organization, one of whom
3014 shall be a representative of the business community, one of whom
3015 shall be a representative of low-income ratepayers and one of whom
3016 shall be a representative of state residents, in general, and all of whom
3017 shall have expertise in energy issues; and

3018 (9) All appointed members of the board shall serve in accordance
3019 with section 4-1a of the general statutes.

3020 (b) The Fuel Oil Conservation Board shall be within the Department
3021 of Energy and Environmental Protection for administrative purposes
3022 only.

3023 Sec. 50. Subsection (b) of section 17b-801 of the general statutes is
3024 repealed and the following is substituted in lieu thereof (*Effective July*
3025 *1, 2011*):

3026 (b) The commissioner shall administer a state-appropriated
3027 weatherization assistance program to provide, within available
3028 appropriations, weatherization assistance in accordance with the
3029 provisions of the state plan implementing the weatherization
3030 assistance block grant program authorized by the federal Low-Income
3031 Home Energy Assistance Act of 1981, and programs of fuel assistance
3032 and weatherization assistance with funds authorized by the federal
3033 Low-Income Home Energy Assistance Act of 1981 and by the U.S.
3034 Department of Energy in accordance with 10 CFR Part 440
3035 promulgated under Title IV of the Energy Conservation and
3036 Production Act, as amended, and oil settlement funds in accordance
3037 with subsections (b) and (c) of section 4-28. The commissioner shall
3038 adopt regulations in accordance with the provisions of chapter 54, (1)
3039 establishing priorities for determining which households shall receive
3040 such weatherization assistance, [(2) requiring that such weatherization
3041 assistance for energy conservation measures other than the retrofitting
3042 of heating systems be provided only for any dwelling unit for which
3043 an energy audit has been conducted in accordance with the provisions
3044 of sections 16a-45a to 16a-46c, inclusive, (3)] (2) requiring that the only
3045 criterion for determining which energy conservation measures shall be
3046 implemented pursuant to this subsection in any such dwelling unit
3047 shall be the simple payback calculated for each energy conservation
3048 measure recommended in the energy audit conducted for such unit,
3049 [(4)] (3) establishing the maximum allowable payback period for such
3050 energy conservation measures, and [(5)] (4) establishing conditions for
3051 the waiver of the provisions of subdivisions (1) to [(4)] (3), inclusive, of
3052 this subsection in the event of emergencies. The programs provided for
3053 under this subsection shall include a program of fuel and
3054 weatherization assistance for emergency shelters for homeless
3055 individuals and victims of domestic violence. The commissioner may
3056 adopt regulations, in accordance with the provisions of chapter 54, to

3057 implement and administer the program of fuel and weatherization
3058 assistance for emergency shelters.

3059 Sec. 51. (NEW) (*Effective July 1, 2011*) (a) On or before July 1, 2012,
3060 and every three years thereafter, the Commissioner of Energy and
3061 Environmental Protection, in consultation with the Connecticut Energy
3062 Advisory Board shall prepare a Comprehensive Energy Plan. Such
3063 plan shall reflect the legislative findings and policy stated in section
3064 16a-35k of the general statutes, as amended by this act, and shall
3065 incorporate, (1) an assessment and plan for all energy needs in the
3066 state, including, but not limited to, electricity, heating, cooling, and
3067 transportation, (2) the findings of the integrated resources plan, (3) the
3068 findings of the plan for energy efficiency adopted pursuant to section
3069 16-245m of the general statutes, as amended by this act, and (4) the
3070 findings of the plan for renewable energy adopted pursuant to section
3071 16-245n of the general statutes. Such plan shall further include, but not
3072 be limited to, (A) an assessment of current energy supplies, demand
3073 and costs, (B) identification and evaluation of the factors likely to affect
3074 future energy supplies, demand and costs, (C) a statement of progress
3075 made toward achieving the goals and milestones set in the preceding
3076 Comprehensive Energy Plan, (D) a statement of energy policies and
3077 long-range energy planning objectives and strategies appropriate to
3078 achieve, among other things, a sound economy, the least-cost mix of
3079 energy supply sources and measures that reduce demand for energy,
3080 giving due regard to such factors as consumer price impacts, security
3081 and diversity of fuel supplies and energy generating methods,
3082 protection of public health and safety, environmental goals and
3083 standards, conservation of energy and energy resources and the ability
3084 of the state to compete economically, (E) recommendations for
3085 administrative and legislative actions to implement such policies,
3086 objectives and strategies, (F) an assessment of the potential costs
3087 savings and benefits to ratepayers, including, but not limited to,
3088 carbon dioxide emissions reductions or voluntary joint ventures to
3089 repower some or all of the state's coal-fired and oil-fired generation
3090 facilities built before 1990, and (G) the benefits, costs, obstacles and

3091 solutions related to the expansion and use and availability of natural
3092 gas in Connecticut. If the department finds that such expansion is in
3093 the public interest, it shall develop a plan to increase the use and
3094 availability of natural gas for transportation purposes and provide
3095 competitive customer supplier choice options over a reasonable
3096 period.

3097 (b) In adopting the Comprehensive Energy Plan, the Commissioner
3098 of Energy and Environmental Protection, or the commissioner's
3099 designee, shall conduct a proceeding and such proceeding shall not be
3100 considered a contested case under chapter 54 of the general statutes,
3101 provided a hearing pursuant to chapter 54 of the general statutes shall
3102 be held. The commissioner shall give not less than fifteen days notice
3103 of such proceeding by electronic publication on the department's
3104 Internet web site. Notice of such hearing may also be published in one
3105 or more newspapers if deemed necessary by the commissioner. Such
3106 notice shall state the date, time, and place of the meeting, the subject
3107 matter of the meeting, the statutory authority for the proposed plan
3108 and the location where a copy of the proposed plan may be obtained
3109 or examined in addition to posting the plan on the department's
3110 Internet web site. The Public Utilities Regulatory Authority shall
3111 comment on the plan's impact on ratepayers and any other person may
3112 comment on the proposed plan. The commissioner shall provide a time
3113 period of not less than forty-five days from the date the notice is
3114 published on the department's Internet web site for public review and
3115 comment. The commissioner shall consider fully, after all public
3116 meetings, all written and oral comments concerning the proposed plan
3117 and shall post on the department's Internet web site and notify by
3118 electronic mail each person who requests such notice. The
3119 commissioner shall make available the electronic text of the final plan
3120 or an Internet web site where the final plan is posted, and a report
3121 summarizing (1) all public comments, and (2) the changes made to the
3122 final plan in response to such comments and the reasons therefore.

3123 (c) The commissioner shall submit the final plan electronically to the
3124 joint standing committees of the General Assembly having cognizance

3125 of matters relating to energy and the environment.

3126 (d) The commissioner may, in consultation with the Connecticut
3127 Energy Advisory Board, modify the Comprehensive Energy Plan in
3128 accordance with the procedures outlined in subsections (b) and (c) of
3129 this section. The commissioner may approve or reject such plan with
3130 comments.

3131 (e) The decisions of the Public Utilities Regulatory Authority shall
3132 be guided by the goals of the Department of Energy and
3133 Environmental Protection, as listed in section 1 of this act, and by the
3134 goals of the comprehensive plan and the integrated resource plan
3135 approved pursuant to section 16a-3a of the general statutes, as
3136 amended by this act, and shall be based on the evidence in the record
3137 of each proceeding.

3138 (f) All electric distribution companies' reasonable costs associated
3139 with the development of the resource assessment shall be recoverable
3140 through the systems benefits charge.

3141 Sec. 52. Section 21a-86a of the general statutes is repealed and the
3142 following is substituted in lieu thereof (*Effective July 1, 2011*):

3143 (a) On or before October 1, 1990, the Commissioner of Consumer
3144 Protection, in consultation with [the Secretary of the Office of Policy
3145 and Management, the chairperson of the Public Utilities Control
3146 Authority,] the State Building Inspector and the Commissioners of
3147 Public Health and Energy and Environmental Protection, shall adopt
3148 regulations in accordance with the provisions of chapter 54
3149 establishing minimum efficiency standards for plumbing fixtures and
3150 other water-using devices, as appropriate.

3151 (b) The maximum water use allowed in the regulations adopted
3152 under subsection (a) of this section for showerheads, urinals, faucets
3153 and replacement aerators manufactured or sold on or after October 1,
3154 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for
3155 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen

3156 faucets and replacement aerators, 2.5 gallons per minute, except that
3157 lavatories in restrooms of public facilities shall be equipped with outlet
3158 devices which limit the flow rate to a maximum of 0.5 gallons per
3159 minute. The maximum water use allowed in the regulations adopted
3160 under subsection (a) of this section for tank-type toilets, flushometer-
3161 valve toilets, flushometer-tank toilets and electromechanical hydraulic
3162 toilets manufactured or sold on or after January 1, 1992, shall be 1.6
3163 gallons per flush, unless and until equivalent standards for similar
3164 types of toilets are adopted by the American National Standards
3165 Institute, Inc.

3166 (c) Notwithstanding the provisions of subsection (b) of this section,
3167 the Commissioner of Consumer Protection, after consultation with [the
3168 Secretary of the Office of Policy and Management, the chairperson of
3169 the Public Utilities Control Authority,] the State Building Inspector
3170 and the Commissioners of Public Health and Energy and
3171 Environmental Protection, may increase the level of efficiency for
3172 plumbing fixtures upon determination that such increase would
3173 promote the conservation of water and energy and be cost-effective for
3174 consumers who purchase and use such fixtures. Any increased
3175 efficiency standard shall be effective one year after its adoption.

3176 (d) The Commissioner of Consumer Protection, in consultation with
3177 the Secretary of the Office of Policy and Management, [the chairperson
3178 of the Public Utilities Control Authority,] the State Building Inspector
3179 and the Commissioners of Public Health and Energy and
3180 Environmental Protection, shall adopt regulations in accordance with
3181 the provisions of chapter 54 necessary to implement the provisions of
3182 sections 21a-86 to 21a-86g, inclusive. Such regulations shall provide for
3183 (1) the sale of plumbing fixtures which do not meet the standards if the
3184 commissioner determines that compliance is not feasible or an
3185 unnecessary hardship exists and (2) the sale of plumbing fixtures,
3186 including, but not limited to, antique reproduction plumbing fixtures,
3187 which do not meet the standards, provided such plumbing fixtures
3188 were in stock in a store located in the state before October 1, 1990, if a
3189 showerhead, urinal, faucet or replacement aerator or before January 1,

1992, if a tank-type toilet, flushometer-valve toilet, flushometer-tank toilet or electromechanical hydraulic toilet.

Sec. 53. Subsection (a) of section 21a-86c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The Commissioner of Consumer Protection, in consultation with [the Secretary of the Office of Policy and Management, the chairperson of the Public Utilities Control Authority,] the State Building Inspector and the Commissioners of Public Health and Energy and Environmental Protection, shall establish procedures for testing the efficiency of plumbing fixtures offered for retail sale if such procedures are not established in the State Building Code adopted pursuant to section 29-252.

Sec. 54. Section 22-81 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Said board shall have the general management of the institution and shall appoint a director, who shall have the general management and oversight of experiments and investigations. It may own such real and personal estate as may be necessary for carrying on its work and may receive title to the same by deed, devise or bequest. It shall expend all money appropriated by the state in the prosecution of the work for which said institution is established, shall use for the same purpose the income from all funds and endowments which it may receive from other sources and may sue and be sued by the name of the Connecticut Agricultural Experiment Station. It may seek and obtain patents, trademarks and licensing agreements relating to inventions and discoveries of any employee of the Connecticut Agricultural Experiment Station. It may pursue any opportunity to receive funds for research available from the federal government or from private sources. It shall make an annual report to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Agriculture and the Department

3222 of Energy and Environmental Protection, including a statement of the
3223 activities of the station and the sources and amounts of funds available
3224 to the station. It shall make an annual report to the Governor, as
3225 provided in section 4-60, including therein a report upon adulterated
3226 food products and a report of the work done and results obtained
3227 under the provisions of section 22-84.

3228 (b) Notwithstanding the provisions of any general statute or special
3229 act to the contrary, the selection, appointment, assignment of duties,
3230 amount of compensation, sick leave, vacation, leaves of absence,
3231 termination of service, rank and status of the individual members of
3232 the station staff shall be under the sole jurisdiction of the board of
3233 control of the station within available funds. Said board shall
3234 determine who constitutes the professional staff of the station and
3235 shall establish a compensation and classification schedule for the
3236 professional staff. Said board shall annually submit to the
3237 Commissioner of Administrative Services a list of the positions which
3238 it has included within the professional staff.

3239 (c) The board shall cause the station to (1) make scientific inquiries
3240 and perform experiments including, but not limited to, inquiries and
3241 experiments regarding plants, insects and the pests of plants, soil and
3242 water, which inquiries and experiments shall include, but not be
3243 limited to, consideration of the effects of any climate change which
3244 may result from increased levels of carbon dioxide or other
3245 "greenhouse" gases in the atmosphere and what effects such change
3246 may have on agriculture in this state; (2) make scientific inquiries for
3247 the General Assembly and conduct such analyses as required by any
3248 state agency including, but not limited to, the Departments of
3249 Administrative Services, Agriculture, Consumer Protection and
3250 Energy and Environmental Protection; and (3) distribute reports of any
3251 analyses, investigations or experiments by correspondence, lectures or
3252 published matter. The board may cause the station to charge a fee for
3253 any testing services which it may provide to the public. The station
3254 shall not conduct any testing of ticks for Lyme disease except at the
3255 request of a state or municipal health official or for scientific research

3256 purposes.

3257 Sec. 55. Section 22a-2 of the general statutes is repealed and the
3258 following is substituted in lieu thereof (*Effective July 1, 2011*):

3259 [(a) There shall be a Department of Environmental Protection which
3260 shall have jurisdiction over all matters relating to the preservation and
3261 protection of the air, water and other natural resources of the state.
3262 Said department shall be under the direction of a Commissioner of
3263 Environmental Protection who shall be appointed in accordance with
3264 the provisions of sections 4-5 to 4-8, inclusive.]

3265 [(b)] (a) As used in this title and chapters 263, 268, 348, 360, 447, 448,
3266 449, 452, 462, 474, 476, 477, 478, 479, 490 and 495, except where
3267 otherwise provided, "commissioner" means the Commissioner of
3268 Energy and Environmental Protection or his or her designated agent.
3269 The Commissioner of Energy and Environmental Protection shall have
3270 the authority to designate as his or her agent (1) any deputy
3271 commissioner to exercise all or part of the authority, powers and
3272 duties of said commissioner in his or her absence, (2) any deputy
3273 commissioner or any employee, assistant or agent employed pursuant
3274 to section 22a-4 to exercise such authority of the Commissioner of
3275 Energy and Environmental Protection as he or she delegates for the
3276 administration or enforcement of any applicable statute, regulation,
3277 permit or order, (3) the Commissioner of Public Safety and any local
3278 air pollution control official or agency to exercise such authority as the
3279 Commissioner of Energy and Environmental Protection delegates for
3280 the enforcement of any applicable statute, regulation, order or permit
3281 pertaining to air pollution, except the authority to render a final
3282 decision, after a hearing, assessing a civil penalty under said section
3283 22a-6b, and (4) any municipal police department the authority to
3284 enforce the provisions of chapters 268 and 490.

3285 [(c)] (b) As used in this chapter, and chapters 263, 268, 348, 360, 440,
3286 446d, 446i, 446k, 447, 448, 449, 452, 462, 474, 476, 477, 478, 479, 490 and
3287 495, except where otherwise provided, "person" means any individual,

3288 firm, partnership, association, syndicate, company, trust, corporation,
3289 limited liability company, municipality, agency or political or
3290 administrative subdivision of the state, or other legal entity of any
3291 kind.

3292 Sec. 56. Section 22a-5 of the general statutes is repealed and the
3293 following is substituted in lieu thereof (*Effective July 1, 2011*):

3294 The commissioner shall carry out the energy and environmental
3295 policies of the state and shall have all powers necessary and
3296 convenient to faithfully discharge this duty. In addition to, and
3297 consistent with the environment policy of the state, the commissioner
3298 shall [(a)] (1) promote and coordinate management of water, land and
3299 air resources to assure their protection, enhancement and proper
3300 allocation and utilization; [(b)] (2) provide for the protection and
3301 management of plants, trees, fish, shellfish, wildlife and other animal
3302 life of all types, including the preservation of endangered species; [(c)]
3303 (3) provide for the protection, enhancement and management of the
3304 public forests, parks, open spaces and natural area preserves; [(d)] (4)
3305 provide for the protection, enhancement and management of inland,
3306 marine and coastal water resources, including, but not limited to,
3307 wetlands, rivers, estuaries and shorelines; [(e)] (5) provide for the
3308 prevention and abatement of all water, land and air pollution
3309 including, but not limited to, that related to particulates, gases, dust,
3310 vapors, noise, radiation, odors, nutrients and cooled or heated liquids,
3311 gases and solids; [(f)] (6) provide for control of pests and regulate the
3312 use, storage and disposal of pesticides and other chemicals which may
3313 be harmful to man, sea life, animals, plant life or natural resources;
3314 [(g)] (7) regulate the disposal of solid waste and liquid waste,
3315 including but not limited to, domestic and industrial refuse, junk
3316 motor vehicles, litter and debris, which methods shall be consistent
3317 with sound health, scenic environmental quality and land use
3318 practices; [(h)] (8) regulate the storage, handling and transportation of
3319 solids, liquids and gases which may cause or contribute to pollution;
3320 [and (i)] (9) provide for minimum state-wide standards for the mining,
3321 extraction, excavation or removal of earth materials of all types; (10)

3322 develop a comprehensive energy plan for the state; (11) transition the
3323 state to cleaner, more diverse and sustainable sources of energy; and
3324 (12) create opportunities for innovation and technological advances in
3325 conserving energy and reducing costs.

3326 Sec. 57. Subsection (a) of section 22a-66k of the general statutes is
3327 repealed and the following is substituted in lieu thereof (*Effective July*
3328 *1, 2011*):

3329 (a) Each electric company, as defined in section 16-1, shall submit a
3330 utilities pesticide management plan to the Commissioner of Energy
3331 and Environmental Protection for approval with the concurrence of the
3332 Public Utilities [Control] Regulatory Authority. A plan shall be revised
3333 at such time as the electric company filing the plan or the
3334 commissioner determines provided such plan shall be revised not less
3335 than once every five years.

3336 Sec. 58. Section 22a-113m of the general statutes is repealed and the
3337 following is substituted in lieu thereof (*Effective July 1, 2011*):

3338 The commission, in consultation with the Commissioners of Energy
3339 and Environmental Protection and Transportation, shall prepare or
3340 cause to be prepared a management plan for the most desirable use of
3341 the harbor for recreational, commercial, industrial and other purposes.
3342 For those towns in the coastal area as defined in section 22a-94, the
3343 plan shall provide for the preservation and use of the coastal resources
3344 of the harbor in a manner consistent with the provisions of sections
3345 22a-90 to 22a-111, inclusive, and any municipal coastal plan adopted
3346 pursuant to section 22a-101 by any municipality that is a member of
3347 the commission. A copy of the plan shall be forwarded to the U.S.
3348 Army Corps of Engineers for review, comments and
3349 recommendations. Such plan shall be submitted for approval to the
3350 Commissioners of Energy and Environmental Protection and
3351 Transportation. Said commissioners shall act on the plan not more
3352 than sixty days after submission of such plan. Upon approval by said
3353 commissioners, the plan may be adopted by ordinance by the

3354 legislative body of each municipality establishing the commission. The
3355 ordinance shall specify the effective date of the plan. A modification to
3356 the plan may be proposed at any time and shall be approved in the
3357 same manner as the plan. The plan shall be reviewed annually by the
3358 commission and the Commissioners of Energy and Environmental
3359 Protection and Transportation.

3360 Sec. 59. Subsection (e) of section 22a-119 of the general statutes is
3361 repealed and the following is substituted in lieu thereof (*Effective July*
3362 *1, 2011*):

3363 (e) Prior to commencing any hearing pursuant to this section the
3364 council shall consult with and solicit written comments from the
3365 Departments of Energy and Environmental Protection, Public Health,
3366 [Public Utility Control,] Economic and Community Development,
3367 Public Safety and Transportation, the Office of Policy and
3368 Management and the Council on Environmental Quality. Copies of
3369 comments submitted by such agencies shall be available to all parties
3370 prior to commencement of the public hearing. Agencies consulted may
3371 file additional comments within thirty days of the conclusion of the
3372 hearing and such additional comments shall be a part of the record.

3373 Sec. 60. Section 22a-134q of the general statutes is repealed and the
3374 following is substituted in lieu thereof (*Effective July 1, 2011*):

3375 The Commissioner of Energy and Environmental Protection shall
3376 compile an inventory of contaminated wells and leaking underground
3377 storage tanks known to him and shall submit such inventory to the
3378 joint standing committee of the General Assembly having cognizance
3379 of matters relating to the environment not later than February 1, 1990,
3380 and annually thereafter. As used in this section, "contaminated well"
3381 means any well that exceeds maximum levels for substances
3382 established in the Public Health Code or action levels determined
3383 jointly by the Commissioners of Public Health and Energy and
3384 Environmental Protection.

3385 Sec. 61. Section 22a-174l of the general statutes is repealed and the

3386 following is substituted in lieu thereof (*Effective July 1, 2011*):

3387 (a) Not later than sixty days after June 4, 2007, the Commissioner of
3388 Energy and Environmental Protection shall issue notice of intent to
3389 issue a general permit regarding the construction and operation of new
3390 or existing emergency engines and distributed generation resources
3391 that (1) generate no more than two megawatts of electricity; and (2) are
3392 approved by the [Department of Public Utility Control] Public Utilities
3393 Regulatory Authority to participate in the markets administered by the
3394 regional independent system operator in accordance with subsection
3395 (b) of section 16-246g. Before issuing such permit, the sources to be
3396 covered by such permit shall provide the Commissioner of Energy and
3397 Environmental Protection with any information said commissioner
3398 deems necessary for the issuance of such permit. Any such general
3399 permit shall be issued in accordance with the provisions of subsection
3400 (k) of section 22a-174 and the general permit, and any authorization to
3401 operate under such permit, shall expire on the later of December 31,
3402 2010, or ninety days after the energizing of the Middletown-Norwalk
3403 345 kv transmission line approved by the Connecticut Siting Council.
3404 Notwithstanding this section, the Commissioner of Energy and
3405 Environmental Protection may, in consultation with the chairperson of
3406 the Public Utilities [Control] Regulatory Authority, renew such general
3407 permit in accordance with the provisions of subsection (k) of section
3408 22a-174 provided the Commissioner of Energy and Environmental
3409 Protection determines that renewal of such general permit is consistent
3410 with the requirements of subsection (b) of this section. The provisions
3411 of the general permit shall include, but not be limited to: Minimum
3412 setback provisions, limitations on hours of operation, requirements for
3413 air pollution controls certified to achieve a minimum reduction in
3414 emissions of nitrogen oxides of ninety per cent, directionally correct
3415 offsets at a ratio to be determined by the Commissioner of Energy and
3416 Environmental Protection, required control equipment, requirements
3417 for monitoring, reporting and recordkeeping, and any other
3418 requirement that said commissioner deems necessary. The provisions
3419 of this section are in addition to any other authority provided by law

3420 to said commissioner.

3421 (b) When issuing or renewing the general permit pursuant to this
3422 section, the Commissioner of Energy and Environmental Protection
3423 shall [, in consultation with the chairperson of the Public Utilities
3424 Control Authority,] consider energy generation that will maximize the
3425 savings to the state's electric ratepayers and benefit the state's economy
3426 as a whole, but shall ensure that any emission increases resulting from
3427 the operation of sources covered by the general permit are offset by
3428 emission decreases from sources in Connecticut consistent with
3429 Connecticut's air quality attainment planning needs and requirements.
3430 The sources of decreases in emissions may include, but not be limited
3431 to, electric generation sources and demand response.

3432 [(c) On or before February 1, 2008, the Department of
3433 Environmental Protection, in consultation with the Department of
3434 Public Utility Control, shall report to the joint standing committees of
3435 the General Assembly having cognizance of matters relating to energy
3436 and the environment regarding the economic and environmental
3437 benefits of the general permit issued pursuant to this section and the
3438 actions and measures taken pursuant to section 16-246g.]

3439 Sec. 62. Section 22a-354i of the general statutes is repealed and the
3440 following is substituted in lieu thereof (*Effective July 1, 2011*):

3441 (a) On or before July 1, 1991, the Commissioner of Energy and
3442 Environmental Protection shall publish notice of intent to adopt
3443 regulations in accordance with chapter 54 for land use controls in
3444 aquifer protection areas. The regulations shall establish (1) best
3445 management practice standards for existing regulated activities located
3446 entirely or in part within aquifer protection areas and a schedule for
3447 compliance of nonconforming regulated activities with such standards,
3448 (2) best management practice standards for and prohibitions of
3449 regulated activities proposed to be located entirely or in part within
3450 aquifer protection areas, (3) procedures for exempting regulated
3451 activities in aquifer protection areas upon determination solely by the

3452 commissioner that such regulated activities do not pose a threat to any
3453 existing or potential drinking water supply and (4) requirements for
3454 design and installation of groundwater monitoring within aquifer
3455 protection areas. In addition, the commissioner may adopt such other
3456 regulations as deemed necessary to carry out the purposes of sections
3457 22a-354b, 22a-354c, 22a-354h, this section, sections 22a-354m, 22a-354n,
3458 subsection (e) of section 22a-354p and subsection (d) of section 22a-451,
3459 including but not limited to regulations which provide for the manner
3460 in which the boundaries of aquifer protection areas shall be established
3461 and amended; criteria and procedures for submission and review of
3462 applications to construct or begin regulated activities; procedures for
3463 granting, denying, limiting, revoking, suspending, transferring and
3464 modifying permits for regulated activities; controls regarding the
3465 expansion of nonconforming regulated activities, including procedures
3466 for offsetting impacts from the expansion or modification of
3467 nonconforming regulated activities or procedures for modifying
3468 permits of regulated activities by the removal of other potential
3469 pollution sources within the subject well field, procedures for the
3470 granting of permits for such expansion or modification based on the
3471 certification of a qualified person that such expansion meets criteria
3472 established by the commissioner; registration requirements for existing
3473 regulated activities and procedures for transferring registrations;
3474 procedures for landowners to notify a municipality or the
3475 commissioner of a change in use and other provisions for
3476 administration of the aquifer protection program.

3477 (b) In adopting such regulations, the commissioner shall consider
3478 the guidelines for aquifer protection areas recommended in the report
3479 prepared pursuant to special act 87-63, as amended, and shall avoid
3480 duplication and inconsistency with other state or federal laws and
3481 regulations affecting aquifers. The regulations shall be developed in
3482 consultation with an advisory committee appointed by the
3483 commissioner. The advisory committee shall include the
3484 Commissioners of Public Works and Public Health and the
3485 chairperson of the Public Utilities [Control] Regulatory Authority, or

3486 their designees, members of the public, and representatives of
3487 businesses affected by the regulations, agriculture, environmental
3488 groups, municipal officers and water companies.

3489 Sec. 63. Section 22a-198 of the general statutes is repealed and the
3490 following is substituted in lieu thereof (*Effective July 1, 2011*):

3491 (a) On and after January 1, 2005, the owner or operator of a Title IV
3492 source that is also an affected unit or units shall:

3493 (1) Combust liquid fuel, gaseous fuel, solid fuel or a combination of
3494 each provided that each fuel possesses a fuel sulfur limit equal to or
3495 less than 0.3 per cent sulfur, by weight (dry basis); or

3496 (2) Meet an average emission rate equal to or less than 0.33 pounds
3497 SO₂ per MMBtu for each calendar quarter for an affected unit at the
3498 premises; or

3499 (3) Meet an average emission rate equal to or less than 0.3 pounds
3500 SO₂ per MMBtu calculated for each calendar quarter, if such owner or
3501 operator averages the emissions from two or more affected units at the
3502 premises.

3503 (b) On and after January 1, 2005, no owner or operator of a Title IV
3504 source that is also an affected unit or units may use SO₂ DERCS or SO₂
3505 allowances to comply with the requirements of subsection (a) of this
3506 section except if the Commissioner of Energy and Environmental
3507 Protection requires the owner or operator of an affected unit or units
3508 using a low-sulfur fuel to comply with subdivision (1) of subsection (a)
3509 of this section to offset excess SO₂ emissions that were emitted during
3510 a suspension period, as described in subsection (c) of this section,
3511 through the purchase or retirement of such SO₂ DERCS or SO₂
3512 allowances.

3513 (c) The Commissioner of Energy and Environmental Protection may
3514 suspend the requirements of subdivision (1) of subsection (a) of this
3515 section for the owner or operator of any affected unit using a low-

3516 sulfur fuel, including a low-sulfur solid fuel. Such suspension shall be
3517 made only when the commissioner finds that the availability of fuel
3518 that complies with such requirements is inadequate to meet the needs
3519 of residential, commercial and industrial users in this state and that
3520 such inadequate supply constitutes an emergency, provided such
3521 suspension shall not exceed the period that the inadequate supply
3522 constitutes an emergency. Any such suspension by the commissioner
3523 shall not suspend or alter the sulfur dioxide average emission rate
3524 requirements that are in effect as of May 2, 2002. The Commissioner of
3525 Energy and Environmental Protection shall specify in writing the
3526 period of time that such suspension shall be in effect and shall provide
3527 notice of such suspension to the joint standing committees of the
3528 General Assembly having cognizance of matters relating to the
3529 environment and energy and technology. No later than thirty days
3530 after the termination of such suspension, the owner or operator of an
3531 affected unit or units shall report to the commissioner, in writing, the
3532 amount of SO₂ emissions in excess of those that would have occurred if
3533 the use of compliant fuel at such affected unit or units had not been
3534 interrupted. If such excess SO₂ emissions from any premises exceed
3535 fifty tons, the commissioner shall require that the owner or operator of
3536 such affected unit or units offset such SO₂ emissions through the
3537 purchase or retirement of SO₂ DERCS or SO₂ allowances.

3538 (d) The provisions of subsections (c) and (f) of this section, when
3539 implemented by the Commissioner of Energy and Environmental
3540 Protection, shall not suspend any underlying procedures or
3541 requirements in the Regulations of Connecticut State Agencies adopted
3542 by the Department of Energy and Environmental Protection pertaining
3543 to SO₂ emissions.

3544 (e) No provision of section 22a-197, this section or subsection (a) of
3545 section 16-245l shall be construed to prohibit the Commissioner of
3546 Energy and Environmental Protection from waiving or suspending
3547 any applicable sulfur dioxide emissions standard as may be allowed
3548 under current federal or state laws or regulations, or other permit
3549 limits of a must run Title IV source, as ordered by the Independent

3550 System Operator, as may be allowed under current federal or state
3551 laws or regulations. The commissioner may attach any conditions to
3552 such suspension or waiver, as the commissioner deems necessary to
3553 mitigate any adverse environmental or public health impacts.

3554 (f) The Commissioner of Energy and Environmental Protection, in
3555 consultation with the chairperson of the Public Utilities [Control]
3556 Regulatory Authority, may suspend the prohibition of subsection (b)
3557 of this section for a Title IV source if it is determined that the
3558 application of the prohibition established under subsection (b) of this
3559 section adversely affects the ability to meet the reliability standards, as
3560 defined by the New England Power Pool or its successor organization,
3561 and the suspension thereof is intended to mitigate such reliability
3562 problems. The Commissioner of Energy and Environmental Protection,
3563 in consultation with the chairperson of the Public Utilities [Control]
3564 Regulatory Authority, shall specify in writing the reasons for such
3565 suspension and the period of time that such suspension shall be in
3566 effect and shall provide notice of such suspension at the time of
3567 issuance, or the next business day, to the joint standing committees of
3568 the General Assembly having cognizance of matters relating to the
3569 environment and energy and technology. No such waiver shall last
3570 more than thirty days. The commissioner may reissue additional
3571 waivers for such source after said initial waiver has expired. Within
3572 ten days of receipt of the commissioner's notice of suspension, the
3573 committees having cognizance of matters relating to the environment
3574 and energy and technology may hold a joint public hearing and
3575 meeting of the committees to either modify or reject the
3576 commissioner's suspension by a majority vote. If the committees do
3577 not meet, the commissioner's suspension shall be deemed approved.

3578 Sec. 64. Subsections (a) and (b) of section 22a-200c of the general
3579 statutes are repealed and the following is substituted in lieu thereof
3580 (*Effective July 1, 2011*):

3581 (a) The Commissioner of Energy and Environmental Protection
3582 shall adopt regulations, in accordance with chapter 54, to implement

3583 the Regional Greenhouse Gas Initiative.

3584 (b) The Department of Energy and Environmental Protection [, in
3585 consultation with the Department of Public Utility Control,] shall
3586 auction all emissions allowances and invest the proceeds, which shall
3587 be deposited into a Regional Greenhouse Gas account established by
3588 the Comptroller as a separate, nonlapsing account within the General
3589 Fund, on behalf of electric ratepayers in energy conservation, load
3590 management and Class I renewable energy programs. In making such
3591 investments, the Commissioner of Energy and Environmental
3592 Protection shall consider strategies that maximize cost effective
3593 reductions in greenhouse gas emission. Allowances shall be auctioned
3594 under the oversight of the [Department of Public Utility Control and
3595 the] Department of Energy and Environmental Protection by a
3596 contractor or trustee on behalf of the electric ratepayers.

3597 Sec. 65. Section 22a-354m of the general statutes is repealed and the
3598 following is substituted in lieu thereof (*Effective July 1, 2011*):

3599 (a) The Commissioner of Energy and Environmental Protection
3600 may, in accordance with regulations adopted pursuant to subsection
3601 (d) of this section, require any person engaged in agriculture on land
3602 located within an aquifer protection area and whose annual gross sales
3603 from agricultural products during the preceding calendar year were
3604 two thousand five hundred dollars or more to submit a farm resources
3605 management plan.

3606 (b) The soil and water conservation district where the aquifer
3607 protection area is located shall establish and coordinate a technical
3608 team to develop each plan. Such team shall include a representative of
3609 the municipality in which the land is located and a representative of
3610 any affected water company upon request of such municipality or
3611 water company. For the purposes of developing the plan required
3612 pursuant to this section, if a farm is located in two or more soil and
3613 water conservation districts, the district in which the greater part of
3614 such farm is located shall be deemed to be the district in which the

entire farm is located. In developing a plan, a district shall consult with the Commissioners of Energy and Environmental Protection and Agriculture, the College of Agriculture and Natural Resources at The University of Connecticut, the Connecticut Agricultural Experiment Station, the Soil Conservation Service, the state Agricultural and Conservation Committee and any other person or agency the district deems appropriate.

(c) The plan shall include a schedule for implementation and shall be periodically updated as required by the commissioner. In developing a schedule for implementation, the technical team shall consider technical and economic factors including, but not limited to, the availability of state and federal funds. Any person engaged in agriculture in substantial compliance with a plan approved under this section shall be exempt from regulations adopted under section 22a-354o by a municipality in which the land is located. No plan shall be required to be submitted to the commissioner before July 1, 1992, or six months after completion of level B mapping where the farm is located, whichever is later.

(d) On or before July 1, 1999, the Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Agriculture, the United States Soil Conservation Service, the Cooperative Extension Service at The University of Connecticut and the Council for Soil and Water Conservation, shall publish notice of intent to adopt regulations in accordance with chapter 54 for farm resources management plans. Such regulations shall include, but not be limited to, a priority system and procedures for determining if a farm management plan is required and the priority that is assigned to the preparation of such a plan, best management practices, restrictions and prohibitions for manure management, storage and handling of pesticides, reduced use of pesticides through pest management practices, integrated pest management, fertilizer management and underground and above-ground storage tanks and criteria and procedures for submission and review of farm resources management plans and amendments of such plans. In adopting such best

3649 management practices, restrictions and prohibitions, the commissioner
3650 shall consider existing state and federal guidelines or regulations
3651 affecting aquifers and agricultural resources management.

3652 Sec. 66. Subsection (b) of section 22a-449d of the general statutes is
3653 repealed and the following is substituted in lieu thereof (*Effective July*
3654 *1, 2011*):

3655 (b) The board shall consist of the Commissioners of Energy and
3656 Environmental Protection and Revenue Services, the Secretary of the
3657 Office of Policy and Management and the State Fire Marshal, or their
3658 designees; one member representing the Connecticut Petroleum
3659 Council, appointed by the speaker of the House of Representatives;
3660 one member representing the Service Station Dealers Association,
3661 appointed by the majority leader of the Senate; one member of the
3662 public, appointed by the majority leader of the House of
3663 Representatives; one member representing the Independent
3664 Connecticut Petroleum Association, appointed by the president pro
3665 tempore of the Senate; one member representing the Gasoline and
3666 Automotive Service Dealers of America, Inc., appointed by the
3667 minority leader of the House of Representatives; one member
3668 representing a municipality with a population greater than one
3669 hundred thousand, appointed by the Governor; one member
3670 representing a municipality with a population of less than one
3671 hundred thousand, appointed by the minority leader of the Senate; one
3672 member representing a small manufacturing company which employs
3673 fewer than seventy-five persons, appointed by the speaker of the
3674 House of Representatives; one member experienced in the delivery,
3675 installation, and removal of residential underground petroleum
3676 storage tanks and remediation of contamination from such tanks,
3677 appointed by the president pro tempore of the Senate; and one
3678 member who is an environmental professional licensed under section
3679 22a-133v and is experienced in investigating and remediating
3680 contamination attributable to underground petroleum storage tanks,
3681 appointed by the Governor. The board shall annually elect one of its
3682 members to serve as chairperson.

3683 Sec. 67. Section 22a-604 of the general statutes is repealed and the
3684 following is substituted in lieu thereof (*Effective July 1, 2011*):

3685 The Commissioners of Energy and Environmental Protection and
3686 Public Safety shall enter into an interagency agreement providing for
3687 the exchange of information and the coordination of their duties and
3688 responsibilities pursuant to the provisions of sections 22a-600 to 22a-
3689 603, inclusive.

3690 Sec. 68. Section 22a-354i of the general statutes is repealed and the
3691 following is substituted in lieu thereof (*Effective July 1, 2011*):

3692 (a) On or before July 1, 1991, the Commissioner of Energy and
3693 Environmental Protection shall publish notice of intent to adopt
3694 regulations in accordance with chapter 54 for land use controls in
3695 aquifer protection areas. The regulations shall establish (1) best
3696 management practice standards for existing regulated activities located
3697 entirely or in part within aquifer protection areas and a schedule for
3698 compliance of nonconforming regulated activities with such standards,
3699 (2) best management practice standards for and prohibitions of
3700 regulated activities proposed to be located entirely or in part within
3701 aquifer protection areas, (3) procedures for exempting regulated
3702 activities in aquifer protection areas upon determination solely by the
3703 commissioner that such regulated activities do not pose a threat to any
3704 existing or potential drinking water supply, and (4) requirements for
3705 design and installation of groundwater monitoring within aquifer
3706 protection areas. In addition, the commissioner may adopt such other
3707 regulations as deemed necessary to carry out the purposes of sections
3708 22a-354b, 22a-354c, 22a-354h, this section, sections 22a-354m, 22a-354n,
3709 subsection (e) of section 22a-354p and subsection (d) of section 22a-451,
3710 including, but not limited to, regulations which provide for the
3711 manner in which the boundaries of aquifer protection areas shall be
3712 established and amended; criteria and procedures for submission and
3713 review of applications to construct or begin regulated activities;
3714 procedures for granting, denying, limiting, revoking, suspending,
3715 transferring and modifying permits for regulated activities; controls

3716 regarding the expansion of nonconforming regulated activities,
3717 including procedures for offsetting impacts from the expansion or
3718 modification of nonconforming regulated activities or procedures for
3719 modifying permits of regulated activities by the removal of other
3720 potential pollution sources within the subject well field, procedures for
3721 the granting of permits for such expansion or modification based on
3722 the certification of a qualified person that such expansion meets
3723 criteria established by the commissioner; registration requirements for
3724 existing regulated activities and procedures for transferring
3725 registrations; procedures for landowners to notify a municipality or
3726 the commissioner of a change in use and other provisions for
3727 administration of the aquifer protection program.

3728 (b) In adopting such regulations, the commissioner shall consider
3729 the guidelines for aquifer protection areas recommended in the report
3730 prepared pursuant to special act 87-63, as amended, and shall avoid
3731 duplication and inconsistency with other state or federal laws and
3732 regulations affecting aquifers. The regulations shall be developed in
3733 consultation with an advisory committee appointed by the
3734 commissioner. The advisory committee shall include the
3735 Commissioners of Public Works and Public Health, [and the
3736 chairperson of the Public Utilities Control Authority,] or their
3737 designees, members of the public, and representatives of businesses
3738 affected by the regulations, agriculture, environmental groups,
3739 municipal officers and water companies.

3740 Sec. 69. Section 22a-354w of the general statutes is repealed and the
3741 following is substituted in lieu thereof (*Effective July 1, 2011*):

3742 The Commissioner of Energy and Environmental Protection, in
3743 consultation with the Commissioner of Public Health and the
3744 chairperson of the Public Utilities [Control] Regulatory Authority,
3745 shall prepare guidelines for acquisition of lands surrounding existing
3746 or proposed public water supply well fields. In preparing such
3747 guidelines the commissioner shall consider economic implications for
3748 mandating land acquisition including, but not limited to, the effect on

3749 land values and the ability of small water companies to absorb the cost
3750 of acquisition.

3751 Sec. 70. Subsection (d) of section 22a-371 of the general statutes is
3752 repealed and the following is substituted in lieu thereof (*Effective July*
3753 *1, 2011*):

3754 (d) Upon notifying the applicant in accordance with subsection (c)
3755 of this section that the application is complete, the commissioner shall
3756 immediately provide notice of the application and a concise
3757 description of the proposed diversion to the Governor, the Attorney
3758 General, the speaker of the House of Representatives, the president pro
3759 tempore of the Senate, the Secretary of the Office of Policy and
3760 Management, the Commissioners of Public Health and Economic and
3761 Community Development, the chairperson of the Public Utilities
3762 [Control] Regulatory Authority, chief executive officer and chairmen of
3763 the conservation commission and wetlands agency of the municipality
3764 or municipalities in which the proposed diversion will take place or
3765 have effect, and to any person who has requested notice of such
3766 activities.

3767 Sec. 71. Section 23-8 of the general statutes is repealed and the
3768 following is substituted in lieu thereof (*Effective July 1, 2011*):

3769 (a) The Commissioner of Energy and Environmental Protection
3770 shall have power, acting by himself or with local authorities, to
3771 acquire, maintain and make available to the public open spaces for
3772 recreation. Said commissioner may take, in the name of the state and
3773 for the benefit of the public, by purchase, gift or devise, lands and
3774 rights in land and personal estate for public open spaces, or take bonds
3775 for the conveyance thereof, or may lease the same for a period not
3776 exceeding five years, with an option to buy, and may preserve and
3777 care for such public reservations, and, in his discretion and upon such
3778 terms as he may approve, such other open spaces within this state as
3779 may be entrusted, given or devised to the state by the United States or
3780 by cities, towns, corporations or individuals for the purposes of public

3781 recreation, or for the preservation of natural beauty or historical
3782 association, provided said commissioner shall not take or contract to
3783 take by purchase or lease any land or other property for an amount or
3784 amounts beyond such sum or sums as have been appropriated or
3785 contributed therefor. No provision of this section shall be construed to
3786 set aside any terms or conditions under which gifts or bequests of land
3787 have been accepted by the commissioner.

3788 (b) Twenty-one per cent of the state's land area shall be held as open
3789 space land. The goal of the state's open space acquisition program shall
3790 be to acquire land such that ten per cent of the state's land area is held
3791 by the state as open space land and not less than eleven per cent of the
3792 state's land area is held by municipalities, water companies or
3793 nonprofit land conservation organizations as open space land
3794 consistent with the provisions of sections 7-131d to 7-131g, inclusive.
3795 Such program shall not affect the ability of any water company to
3796 reclassify or sell any land, or interest in land, which was not acquired,
3797 in whole or in part, with funds made available under the program
3798 established under sections 7-131d to 7-131g, inclusive. The goal for
3799 state open space acquisition shall be three thousand acres acquired in
3800 1999, four thousand acres acquired in 2000, four thousand acres
3801 acquired in 2001 and five thousand acres acquired in 2002 provided
3802 such acquisition program shall continue until the overall state goal of
3803 open space acquisition is achieved. The commissioner, in consultation
3804 with the Council on Environmental Quality established under section
3805 22a-11 and private nonprofit land conservation organizations, shall
3806 prepare, and update as necessary, a comprehensive strategy for
3807 achieving the state goal and shall set an appropriate additional goal for
3808 increasing the amount of land held as open space by municipalities or
3809 by private nonprofit land conservation organizations and shall include
3810 in such strategy provisions for achieving such goal. Such strategy shall
3811 include, but not be limited to, recommendations regarding: (1)
3812 Timetables for acquisition of land by the state, (2) management of such
3813 land, (3) resources to be used for acquisition and management of such
3814 land, and (4) acquisition and maintenance of open space land by

3815 municipalities and by private entities. On or before January 1, 1998,
3816 and annually thereafter, the commissioner shall submit a report to the
3817 joint standing committee of the General Assembly having cognizance
3818 of matters relating to the environment regarding the strategy and the
3819 progress being made towards the goals.

3820 (c) To further the efforts to preserve open space in the state and to
3821 help realize the goal established in subsection (b) of this section to have
3822 at least twenty-one per cent of the state's land held by the state,
3823 municipalities, land conservation organizations and water utilities as
3824 open space, the Department of Energy and Environmental Protection
3825 shall conduct an evaluation of lands of class A water companies, as
3826 defined in section 16-1, as amended by this act, to determine the
3827 resource value and potential desirability of such lands for purchase for
3828 open space or public outdoor recreation or natural resource
3829 conservation or preservation. The water companies and land
3830 conservation organizations shall work cooperatively with the
3831 department and provide maps and other information to assist the
3832 Department of Energy and Environmental Protection in the evaluation
3833 of these properties and said department shall develop strategies for
3834 alternative methods of funding the preservation of water company
3835 lands in perpetuity as open space.

3836 Sec. 72. Section 23-102 of the general statutes is repealed and the
3837 following is substituted in lieu thereof (*Effective July 1, 2011*):

3838 (a) There shall be a Connecticut Greenways Council which shall be
3839 within the Department of Energy and Environmental Protection for
3840 administrative purposes only. The council shall consist of eleven
3841 members, five to be appointed by the Governor, one to be appointed
3842 by the speaker of the House of Representatives, one to be appointed by
3843 the majority leader of the House of Representatives, one to be
3844 appointed by the president pro tempore of the Senate, one to be
3845 appointed by the majority leader of the Senate, one to be appointed by
3846 the minority leader of the House of Representatives and one to be
3847 appointed by the minority leader of the Senate. All appointments to

the council shall be made on or before October 1, 1995. Three of the members initially appointed by the Governor shall serve a term of two years and two of the members appointed by the Governor shall serve a term of four years. All members appointed by the Governor thereafter shall serve a term of four years. The terms of all members appointed by members of the General Assembly shall be coterminous with the terms of members of the General Assembly. The appointing authority shall fill any vacancy by appointment for the unexpired portion of the term vacated. The chairman of said council shall be selected by the Governor. Members of said council shall receive no compensation for their services on the council. The council shall hold one meeting each quarter and such additional meetings as may be prescribed by council rules. Special meetings may be called by the chairman or by any three members upon delivery of forty-eight hours' written notice to each member. The council may employ an executive director, exclusive of the provisions of chapter 67, and such additional staff and contractors and consultants as may be necessary to carry out its duties and may share the personnel and resources of the council on environmental quality, within available appropriations. The council may receive aid or contributions from any source, including grants-in-aid from any state agency.

(b) The duties of the council shall be: (1) To advise and assist in the coordination of state agencies, municipalities, regional planning organizations, as defined in section 4-124i, and private citizens in voluntarily planning and implementing a system of greenways; (2) to operate a greenways help center to advise state agencies, municipalities, regional planning organizations, as defined in section 4-124i, and private citizens in the technical aspects of planning, designing and implementing greenways, including advice on securing state, federal and nongovernmental grants; (3) to establish criteria for designation of greenways; (4) to maintain an inventory of greenways in the state which shall include the location of greenways transportation projects which have received grants under sections 23-101, 32-6a, 32-9qq and 32-328; (5) to advise the Commissioner of

3882 Economic and Community Development on the distribution of grants
3883 for greenways transportation projects pursuant to sections 32-6a, 32-
3884 9qq and 32-328; and (6) to advise the Commissioner of Energy and
3885 Environmental Protection on the distribution of grants pursuant to
3886 section 23-101.

3887 Sec. 73. Section 25-32b of the general statutes is repealed and the
3888 following is substituted in lieu thereof (*Effective July 1, 2011*):

3889 The Commissioner of Public Health, in consultation with the
3890 Commissioner of Energy and Environmental Protection and the Public
3891 Utilities [Control] Regulatory Authority, may declare a public drinking
3892 water supply emergency upon receipt of information that a public
3893 water supply emergency exists or is imminent. Notwithstanding any
3894 other provision of the general statutes or regulations adopted
3895 thereunder, or special act or municipal ordinance, the Commissioner of
3896 Public Health may authorize or order the sale, supply or taking of any
3897 waters, including waters into which sewage is discharged, or the
3898 temporary interconnection of water mains for the sale or transfer of
3899 water among water companies. The Public Utilities [Control]
3900 Regulatory Authority shall determine the terms of the sale of any
3901 water sold pursuant to this section if the water companies that are
3902 party to the sale cannot determine such terms or if one of such water
3903 companies is regulated by the authority. The authorization or order
3904 may be implemented prior to such determination. Any authorization
3905 or order shall be for an initial period of not more than thirty days but
3906 may be extended for additional periods of thirty days up to one
3907 hundred fifty days, consistent with the contingency procedures for a
3908 public drinking water supply emergency in the plan approved
3909 pursuant to section 25-32d to the extent the Commissioner of Public
3910 Health deems appropriate. Upon request by the Commissioner of
3911 Public Health, the Commissioner of Energy and Environmental
3912 Protection, pursuant to section 22a-378, shall suspend a permit issued
3913 pursuant to section 22a-368 or impose conditions on a permit held
3914 pursuant to said section. The time for such suspension or conditions
3915 shall be established in accordance with subdivision (1) of subsection (a)

3916 of section 22a-378. As used in this section and section 22a-378, "public
3917 drinking water supply emergency" includes the contamination of
3918 water, the failure of a water supply system or the shortage of water.

3919 Sec. 74. Section 25-32d of the general statutes is repealed and the
3920 following is substituted in lieu thereof (*Effective July 1, 2011*):

3921 (a) Each water company, as defined in section 25-32a, and supplying
3922 water to one thousand or more persons or two hundred fifty or more
3923 consumers and any other water company as defined in said section
3924 requested by the Commissioner of Public Health shall submit a water
3925 supply plan to the Commissioner of Public Health for approval in
3926 accordance with the requirements of this section and with the
3927 concurrence of the Commissioner of Environmental Protection. The
3928 concurrence of the Public Utilities [~~Control~~] Regulatory Authority shall
3929 be required for approval of a plan submitted by a water company
3930 regulated by the authority. The Commissioner of Public Health shall
3931 consider the comments of the Public Utilities [~~Control~~] Regulatory
3932 Authority on any plan which may impact any water company
3933 regulated by the authority. The Commissioner of Public Health shall
3934 distribute a copy of the plan to the Commissioner of Energy and
3935 Environmental Protection and the Public Utilities [~~Control~~] Regulatory
3936 Authority. A copy of the plan shall be sent to the Secretary of the
3937 Office of Policy and Management for information and comment. A
3938 plan shall be revised at such time as the water company filing the plan
3939 or the Commissioner of Public Health determines, or at intervals of not
3940 less than six years nor more than nine years after the date of the most
3941 recently approved plan. Unless the Commissioner of Public Health
3942 requests otherwise, any water company that fails to meet public
3943 drinking water supply quality and quantity obligations, as prescribed
3944 in state law or regulation, shall be required to file plan revisions six
3945 years after the date of the most recently approved plan. On and after
3946 October 1, 2009, upon the approval of a water supply plan, any
3947 subsequent revisions to such plan shall minimally consist of updates to
3948 those elements described in subsection (b) of this section that have
3949 changed after the date of the most recently approved plan provided

3950 the Commissioner of Public Health has not otherwise requested
3951 submission of an entire water supply plan.

3952 (b) Any water supply plan submitted pursuant to this section shall
3953 evaluate the water supply needs in the service area of the water
3954 company submitting the plan and propose a strategy to meet such
3955 needs. The plan shall include: (1) A description of existing water
3956 supply systems; (2) an analysis of future water supply demands; (3) an
3957 assessment of alternative water supply sources which may include
3958 sources receiving sewage and sources located on state land; (4)
3959 contingency procedures for public drinking water supply emergencies,
3960 including emergencies concerning the contamination of water, the
3961 failure of a water supply system or the shortage of water; (5) a
3962 recommendation for new water system development; (6) a forecast of
3963 any future land sales, an identification which includes the acreage and
3964 location of any land proposed to be sold, sources of public water
3965 supply to be abandoned and any land owned by the company which it
3966 has designated, or plans to designate, as class III land; (7) provisions
3967 for strategic groundwater monitoring; (8) an analysis of the impact of
3968 water conservation practices and a strategy for implementing supply
3969 and demand management measures; (9) on and after January 1, 2004,
3970 an evaluation of source water protection measures for all sources of the
3971 water supply, based on the identification of critical lands to be
3972 protected and incompatible land use activities with the potential to
3973 contaminate a public drinking water source; and (10) a brief summary
3974 of the water company's underground infrastructure replacement
3975 practices, which may include current and future infrastructure needs,
3976 methods by which projects are identified and prioritized for
3977 rehabilitation and replacement and funding needs.

3978 (c) For security and safety reasons, procedures for sabotage
3979 prevention and response shall be provided separately from the water
3980 supply plan as a confidential document to the Department of Public
3981 Health. Such procedures shall not be subject to disclosure under the
3982 Freedom of Information Act, as defined in section 1-200. Additionally,
3983 procedures for sabotage prevention and response that are established

3984 by municipally-owned water companies shall not be subject to
3985 disclosure under the Freedom of Information Act, as defined in section
3986 1-200.

3987 (d) The Commissioner of Public Health, in consultation with the
3988 Commissioner of Energy and Environmental Protection and the Public
3989 Utilities [Control] Regulatory Authority, shall adopt regulations in
3990 accordance with the provisions of chapter 54. Such regulations shall
3991 include a method for calculating safe yield, the contents of emergency
3992 contingency plans and water conservation plans, the contents of an
3993 evaluation of source water protection measures, a process for
3994 approval, modification or rejection of plans submitted pursuant to this
3995 section, a schedule for submission of the plans and a mechanism for
3996 determining the completeness of the plan. The plan shall be deemed
3997 complete if the commissioner does not request additional information
3998 within ninety days after the date on which the plan was submitted or,
3999 in the event that additional information has been requested, within
4000 forty-five days after the submission of such information, except that
4001 the commissioner may request an additional thirty days beyond the
4002 time in which the application is deemed complete to further determine
4003 completeness. In determining whether the water supply plan is
4004 complete, the commissioner may request only information that is
4005 specifically required by regulation. The Department of Energy and
4006 Environmental Protection and the [Department of Public Utility
4007 Control] Public Utilities Regulatory Authority, in the case of any plan
4008 which may impact any water company regulated by that agency, shall
4009 have ninety days upon notice that a plan is deemed complete to
4010 comment on the plan.

4011 (e) Any water company, when submitting any plan or revision or
4012 amendment of a plan after July 1, 1998, which involves a forecast of
4013 land sales, abandonment of any water supply source, sale of any lands,
4014 or land reclassification, shall provide notice, return receipt requested,
4015 to the chief elected official of each municipality in which the land or
4016 source is located, the Nature Conservancy, the Trust for Public Land
4017 and the Land Trust Service Bureau and any organization on the list

4018 prepared under subsection (b) of section 16-50c. Such notice shall
4019 specify any proposed abandonment of a source of water supply, any
4020 proposed changes to land sales forecasts or any land to be designated
4021 as class III land in such plan. Such notice shall specify the location and
4022 acreage proposed for sale or reclassification as class III land and
4023 identify sources to be abandoned and shall be provided no later than
4024 the date of submission of such plan or revision. Such notice shall
4025 indicate that public comment on such plan or revision shall be received
4026 by the Commissioners of Public Health and Energy and Environmental
4027 Protection not later than sixty days after the date of notice. The
4028 Commissioner of Public Health shall take such comment into
4029 consideration in making any determination or approval under this
4030 section.

4031 Sec. 75. Section 25-32i of the general statutes is repealed and the
4032 following is substituted in lieu thereof (*Effective July 1, 2011*):

4033 There is created a Residential Water-Saving Advisory Board to
4034 advise the Commissioner of Public Health on educational materials or
4035 information on water conservation. The board shall consist of eight
4036 members as follows: The Commissioners of Energy and Environmental
4037 Protection and Public Health, the Secretary of the Office of Policy and
4038 Management, the chairperson of the Public Utilities [Control]
4039 Regulatory Authority, and the Consumer Counsel, or their respective
4040 designees; a representative of a small investor-owned water company,
4041 who shall be appointed by the minority leader of the Senate; a
4042 representative of a large investor-owned water company, who shall be
4043 appointed by the minority leader of the House of Representatives; and
4044 a representative of a municipal or regional water authority, who shall
4045 be jointly appointed by the president pro tempore of the Senate and
4046 the speaker of the House of Representatives. The Governor shall
4047 designate the chairman of the board.

4048 Sec. 76. Section 25-33o of the general statutes is repealed and the
4049 following is substituted in lieu thereof (*Effective July 1, 2011*):

4050 (a) The chairperson of the Public Utilities [~~Control~~] Regulatory
4051 Authority, or the chairperson's designee, the Commissioner of Energy
4052 and Environmental Protection, or the commissioner's designee, the
4053 Secretary of the Office of Policy and Management, or the secretary's
4054 designee, and the Commissioner of Public Health, or the
4055 commissioner's designee, shall constitute a Water Planning Council to
4056 address issues involving the water companies, water resources and
4057 state policies regarding the future of the state's drinking water supply.
4058 On or after July 1, 2007, and each year thereafter, the chairperson of the
4059 Water Planning Council shall be elected by the members of the Water
4060 Planning Council.

4061 (b) The Water Planning Council shall conduct a study, in
4062 consultation with representatives of water companies, municipalities,
4063 agricultural groups, environmental groups and other water users, that
4064 shall include the following issues: (1) The financial viability, market
4065 structure, reliability of customer service and managerial competence of
4066 water companies; (2) fair and reasonable water rates; (3) protection and
4067 appropriate allocation of the state's water resources while providing
4068 for public water supply needs; (4) the adequacy and quality of the
4069 state's drinking water supplies to meet current and future needs; (5) an
4070 inventory of land and land use by water companies; (6) the status of
4071 current withdrawals, projected withdrawals, river flows and the future
4072 needs of water users; (7) methods for measurement and estimations of
4073 natural flows in Connecticut waterways in order to determine
4074 standards for stream flows that will protect the ecology of the state's
4075 rivers and streams; (8) the status of river flows and available data for
4076 measuring river flows; (9) the streamlining of the water diversion
4077 permit process; (10) coordination between the Departments of Energy
4078 and Environmental Protection [,] and Public Health [and Public Utility
4079 Control] in review of applications for water diversion; and (11) the
4080 procedure for coordination of planning of public water supply systems
4081 established in sections 25-33c to 25-33j, inclusive. Such study shall be
4082 conducted on both a regional and state-wide level.

4083 (c) The council may establish an advisory group that shall serve at

4084 the pleasure of the council. The advisory group shall be balanced
4085 between consumptive and nonconsumptive interests. The advisory
4086 group may include representatives of (1) regional and municipal water
4087 utilities, (2) investor-owned water utilities, (3) a wastewater system, (4)
4088 agricultural interests, (5) electric power generation interests, (6)
4089 business and industry interests, (7) environmental land protection
4090 interests, (8) environmental river protection interests, (9) boating
4091 interests, (10) fisheries interests, (11) recreational interests, (12)
4092 endangered species protection interests, and (13) members of academia
4093 with expertise in stream flow, public health and ecology.

4094 (d) The council shall, not later than January 1, 2002, and annually
4095 thereafter, report its preliminary findings and any proposed legislative
4096 changes to the joint standing committees of the General Assembly
4097 having cognizance of matters relating to public health, the
4098 environment and public utilities in accordance with section 11-4a,
4099 except that not later than February 1, 2004, the council shall report its
4100 recommendations in accordance with this subsection with regard to (1)
4101 a water allocation plan based on water budgets for each watershed, (2)
4102 funding for water budget planning, giving priority to the most highly
4103 stressed watersheds, and (3) the feasibility of merging the data
4104 collection and regulatory functions of the Department of Energy and
4105 Environmental Protection's inland water resources program and the
4106 Department of Public Health's water supplies section.

4107 Sec. 77. Section 25-157 of the general statutes is repealed and the
4108 following is substituted in lieu thereof (*Effective July 1, 2011*):

4109 Notwithstanding any other provision of the general statutes, no
4110 state agency, including, but not limited to, the Department of Energy
4111 and Environmental Protection and the Connecticut Siting Council
4112 within such department, shall consider or render a final decision for
4113 any applications relating to electric power line crossings, gas pipeline
4114 crossings or telecommunications crossings of Long Island Sound that
4115 have required or will require a certificate issued pursuant to section
4116 16-50k or approval by the Federal Energy Regulatory Commission

4117 including, but not limited to, electrical power line, gas pipeline or
4118 telecommunications applications that are pending or received after
4119 June 3, 2002, for a period of three years after June 3, 2002. Such
4120 moratorium shall not apply to applications relating solely to the
4121 maintenance, repair or replacement necessary for repair of electrical
4122 power lines, gas pipelines or telecommunications facilities currently
4123 used to provide service to customers located on islands or peninsulas
4124 off the Connecticut coast or harbors, embayments, tidal rivers, streams
4125 or creeks. An applicant may seek a waiver of such moratorium by
4126 submitting a petition to the following: The chairpersons and ranking
4127 members of the joint standing committees of the General Assembly
4128 having cognizance of matters relating to energy and the environment,
4129 the chairman of the Connecticut Siting Council, [the chairperson of the
4130 Public Utilities Control Authority,] the Commissioner of Energy and
4131 Environmental Protection, and any other state agency head with
4132 jurisdiction over the subject of the petition. Such persons may grant a
4133 petition for a waiver by unanimous consent. Nothing in section 16-
4134 244j, this section or sections 25-157a to 25-157c, inclusive, shall be
4135 construed to affect the project in the corridor across Long Island
4136 Sound, from Norwalk to Northport, New York, to replace the existing
4137 electric cables that cross the sound.

4138 Sec. 78. Section 25-33g of the general statutes is repealed and the
4139 following is substituted in lieu thereof (*Effective July 1, 2011*):

4140 (a) Each water utility coordinating committee, in consultation with
4141 the Commissioners of Public Health and Energy and Environmental
4142 Protection, the Secretary of the Office of Policy and Management and
4143 the [Department of Public Utility Control] Public Utilities Regulatory
4144 Authority, shall develop a preliminary assessment of water supply
4145 conditions and problems within the public water supply management
4146 area. The committee shall solicit comments on the preliminary
4147 assessment from municipalities, regional planning agencies, state
4148 agencies and other interested parties and respond to any comment
4149 received. The committee shall thereafter prepare a final assessment.

4150 (b) The committee shall establish preliminary exclusive service area
4151 boundaries, based on the final assessment, for each public water
4152 system within the management area, and may change such
4153 boundaries. In establishing exclusive service area boundaries the
4154 committee shall solicit comments on such boundaries from
4155 municipalities, regional planning agencies, the Commissioners of
4156 Energy and Environmental Protection and Public Health, the
4157 [Department of Public Utility Control] Public Utilities Regulatory
4158 Authority, the Secretary of the Office of Policy and Management and
4159 other interested persons within the management area and respond to
4160 any comment received. If there is no agreement by the committee on
4161 such boundaries, or on a change to such boundaries, the committee
4162 shall consult with the [Department of Public Utility Control] Public
4163 Utilities Regulatory Authority. If there is no agreement by the
4164 committee after such consultation, the Commissioner of Public Health
4165 shall establish or may change such exclusive service area boundaries
4166 taking into consideration any water company rights established by
4167 statute, special act or administrative decisions. In establishing such
4168 boundaries the commissioner shall maintain existing service areas and
4169 consider the orderly and efficient development of public water
4170 supplies. In considering any change to exclusive service area
4171 boundaries, the commissioner shall maintain existing service areas,
4172 consider established exclusive service areas, and consider the orderly
4173 and efficient development of public water supplies.

4174 Sec. 79. Section 25-33h of the general statutes is repealed and the
4175 following is substituted in lieu thereof (*Effective July 1, 2011*):

4176 (a) Each water utility coordinating committee shall prepare a
4177 coordinated water system plan in the public water supply
4178 management area. Such plan shall be submitted to the Commissioner
4179 of Public Health for his approval not more than two years after the first
4180 meeting of the committee. The plan shall promote cooperation among
4181 public water systems and include, but not be limited to, provisions for
4182 (1) integration of public water systems, consistent with the protection
4183 and enhancement of public health and well-being; (2) integration of

4184 water company plans; (3) exclusive service areas; (4) joint management
4185 or ownership of services; (5) satellite management services; (6)
4186 interconnections between public water systems; (7) integration of land
4187 use and water system plans; (8) minimum design standards; (9) water
4188 conservation; (10) the impact on other uses of water resources; and (11)
4189 acquisition of land surrounding wells proposed to be located in
4190 stratified drifts.

4191 (b) The plan shall be adopted in accordance with the provisions of
4192 this section. The committee shall prepare a draft of the plan and solicit
4193 comments thereon from the Commissioners of Public Health and
4194 Energy and Environmental Protection, the [Department of Public
4195 Utility Control] Public Utilities Regulatory Authority, the Secretary of
4196 the Office of Policy and Management and any municipality, regional
4197 planning agency or other interested party within the management
4198 area. The municipalities and regional planning agencies shall comment
4199 on, but shall not be limited to commenting on, the consistency of the
4200 plan with local and regional land use plans and policies. The
4201 [Department of Public Utility Control] Public Utilities Regulatory
4202 Authority shall comment on, but shall not be limited to commenting
4203 on, the cost-effectiveness of the plan. The Secretary of the Office of
4204 Policy and Management shall comment on, but shall not be limited to
4205 commenting on, the consistency of the plan with state policies. The
4206 Commissioner of Energy and Environmental Protection shall comment
4207 on, but shall not be limited to commenting on, the availability of water
4208 for any proposed diversion. The Commissioner of Public Health shall
4209 comment on, but shall not be limited to commenting on, the
4210 availability of pure and adequate water supplies, potential conflicts
4211 over the use of such supplies, and consistency with the goals of
4212 sections 25-33c to 25-33j, inclusive.

4213 (c) The Commissioner of Public Health shall adopt regulations in
4214 accordance with the provisions of chapter 54 establishing the contents
4215 of a plan and a procedure for approval or amendment to the plan.

4216 Sec. 80. Section 25-37d of the general statutes is repealed and the

4217 following is substituted in lieu thereof (*Effective July 1, 2011*):

4218 Within two years after June 26, 1977, the commissioner shall adopt
4219 regulations in accordance with chapter 54 for the review of permit
4220 applications. Such procedure shall include a standard application
4221 form, a public hearing and enforcement provisions. A permit
4222 application shall be deemed complete if the commissioner does not
4223 request additional information within forty-five days after the date on
4224 which the application was submitted or, in the event that additional
4225 information has been requested, upon the submission of such
4226 information. The commissioner may request further information after
4227 the application has been deemed complete if the need for such
4228 information was not apparent within forty-five days after submission
4229 of the application. If, in the judgment of the commissioner, the
4230 proposed sale, lease, assignment or change in use of class II land may
4231 have a significant adverse impact upon the applicant's water supply,
4232 said commissioner may, within thirty days of his receipt of a complete
4233 permit application, refer such application for detailed review to a
4234 consultant chosen by the commissioner, with skills in the fields of
4235 water supply, hydrology, aquatic biology, forestry, geology, planning
4236 or other related fields. The commissioner shall notify the applicant of
4237 such referral. The fee for such consultant shall be paid by the applicant.
4238 If the commissioner does not refer the application to a consultant
4239 pursuant to the provisions of this section, the commissioner shall refer
4240 such application to a professional review team appointed by said
4241 commissioner, consisting of a [professional water supply engineer
4242 from the staff of the Department of Public Utility Control; a]
4243 professional from the staff of the Department of Energy and
4244 Environmental Protection with expertise in one of the following areas:
4245 Water supply, hydrology, aquatic biology, forestry, geology or other
4246 related fields; a professional planner recommended by the chief
4247 executive officer of the town or towns in which the land proposed for
4248 disposition is located; a professional planner from the staff of the
4249 Office of Policy and Management; an appointee from the staff of the
4250 Department of Public Health and up to three other experts in the

4251 public health field, provided nothing in this section shall be construed
4252 to prevent the commissioner from referring such application to both a
4253 consultant and a professional review team. No appointee or consultant
4254 shall serve at the time of his appointment in the employ of the
4255 applicant. Such team or consultant shall evaluate the impact of the
4256 proposed sale, lease, assignment or change in use of land upon the
4257 purity and adequacy of the water supply under the most severe
4258 climatic conditions and its ability to meet current drinking water
4259 standards adopted by the Department of Public Health.

4260 Sec. 81. Section 25-102m of the general statutes is repealed and the
4261 following is substituted in lieu thereof (*Effective July 1, 2011*):

4262 (a) The Commissioner of Energy and Environmental Protection
4263 shall select two harbor management commissions, established
4264 pursuant to section 22a-113k, from the member towns of the
4265 Connecticut River Gateway Commission, established pursuant to
4266 section 25-102e, to jointly recommend standards and criteria for the
4267 construction and location of private residential docks and piers and
4268 standards and criteria for the management of scenic resources and
4269 visual impacts within the limits of navigable waters, as defined in
4270 subsection (b) of section 15-3a.

4271 (b) The standards and criteria recommended pursuant to subsection
4272 (a) of this section shall be jointly submitted for approval to the
4273 Commissioners of Energy and Environmental Protection and
4274 Transportation. The commissioners shall approve or reject each
4275 recommendation not more than one hundred twenty days after
4276 submission.

4277 (c) A harbor management commission established pursuant to
4278 section 22a-113k from a member town of the Connecticut River
4279 Gateway Commission established pursuant to section 25-102e may
4280 adopt any standard or criterion approved pursuant to subsection (b) of
4281 this section as part of its harbor management plan adopted pursuant to
4282 chapter 444a.

4283 Sec. 82. Subsection (a) of section 25-203 of the general statutes is
4284 repealed and the following is substituted in lieu thereof (*Effective July*
4285 *1, 2011*):

4286 (a) The commissioner shall establish a river committee to plan for
4287 designation and protection and preservation of eligible river corridors
4288 and to perform such other functions as are specified in sections 25-200
4289 to 25-210, inclusive, if (1) one or more municipalities within any such
4290 corridor request such action or (2) the legislative body of any such
4291 municipality provides for a referendum at a regular election held in
4292 such municipality on the question of whether such municipality shall
4293 request the commissioner to establish a river committee and a majority
4294 of the electors in such municipality approve such action. A request
4295 under this subsection shall be accompanied by a list of persons who
4296 may appropriately serve on such committee. Such persons shall
4297 include (A) an official representative of each requesting municipality,
4298 (B) all persons or representatives thereof who have such a legal or
4299 management interest in or responsibility for the river corridor that the
4300 river committee could not properly function without their
4301 participation, and (C) persons having substantial relevant expertise in
4302 the areas of engineering or land or water use management. The
4303 commissioner shall appoint the members of the river committee from
4304 among the persons included on such list and from among such other
4305 persons as he deems necessary or appropriate to carry out the
4306 purposes of sections 25-200 to 25-210, inclusive, including at least one
4307 representative each of the Departments of Energy and Environmental
4308 Protection and Public Health. Vacancies on the river committee shall
4309 be filled in the same manner as original appointments.

4310 Sec. 83. Section 26-141b of the general statutes is repealed and the
4311 following is substituted in lieu thereof (*Effective July 1, 2011*):

4312 The Commissioner of Energy and Environmental Protection shall,
4313 on or before December 31, 2006, and after consultation and cooperation
4314 with the Department of Public Health, the [Department of Public
4315 Utility Control] Public Utilities Regulatory Authority, an advisory

4316 group convened by the Commissioner of Energy and Environmental
4317 Protection, and any other agency, board or commission of the state
4318 with which said commissioner shall deem it advisable to consult and
4319 after recognizing and providing for the needs and requirements of
4320 public health, flood control, industry, public utilities, water supply,
4321 public safety, agriculture and other lawful uses of such waters and
4322 further recognizing and providing for stream and river ecology, the
4323 requirements of natural aquatic life, natural wildlife and public
4324 recreation, and after considering the natural flow of water into an
4325 impoundment or diversion, and being reasonably consistent therewith,
4326 shall adopt regulations, in accordance with the provisions of chapter
4327 54, establishing flow regulations for all river and stream systems. Such
4328 flow regulations shall: (1) Apply to all river and stream systems within
4329 this state; (2) preserve and protect the natural aquatic life, including
4330 anadromous fish, contained within such waters; (3) preserve and
4331 protect the natural and stocked wildlife dependent upon the flow of
4332 such water; (4) promote and protect the usage of such water for public
4333 recreation; (5) be based, to the maximum extent practicable, on natural
4334 variation of flows and water levels while providing for the needs and
4335 requirements of public health, flood control, industry, public utilities,
4336 water supply, public safety, agriculture and other lawful uses of such
4337 waters; and (6) be based on the best available science, including, but
4338 not limited to, natural aquatic habitat, biota, subregional basin
4339 boundaries, areas of stratified drift, stream gages and flow data,
4340 locations of registered, permitted, and proposed diversions and
4341 withdrawal data reported pursuant to section 22a-368a, locations
4342 where any dams or other structures impound or divert the waters of a
4343 river or stream and any release made therefrom, and any other data for
4344 developing such regulations or individual management plans. Such
4345 flow regulations may provide special conditions or exemptions
4346 including, but not limited to, an extreme economic hardship or other
4347 circumstance, an agricultural diversion, a water quality certification
4348 related to a license issued by the Federal Energy Regulatory
4349 Commission or as necessary to allow a public water system, as defined
4350 in subsection (a) of section 25-33d, to comply with the obligations of

4351 such system as set forth in the regulations of Connecticut state
4352 agencies. Any flow management plan contained in a resolution,
4353 agreement or stipulated judgment to which the state, acting through
4354 the Commissioner of Energy and Environmental Protection, is a party,
4355 or the management plan developed pursuant to section 3 of public act
4356 00-152, is exempt from any such flow regulations. Flow regulations
4357 that were adopted pursuant to this section and sections 26-141a and
4358 26-141c prior to October 1, 2005, shall remain in effect until the
4359 Commissioner of Energy and Environmental Protection adopts new
4360 regulations pursuant to this section.

4361 Sec. 84. Section 26-157f of the general statutes is repealed and the
4362 following is substituted in lieu thereof (*Effective July 1, 2011*):

4363 (a) There is established a Lobster Restoration Advisory Committee
4364 to advise the Commissioner of Energy and Environmental Protection
4365 on matters relating to the development of a lobster v-notch
4366 conservation program to enhance recovery and rebuilding of lobster
4367 stock in Long Island Sound.

4368 (b) The committee shall be comprised of the following eleven
4369 members: (1) The Commissioner of Energy and Environmental
4370 Protection, or the commissioner's designee, (2) the Commissioner of
4371 Agriculture, or the commissioner's designee, (3) the state's
4372 administrative commissioner to the Atlantic States Marine Fisheries
4373 Commission, (4) the state's legislative commissioner to the Atlantic
4374 States Marine Fisheries Commission, (5) the state's commissioner who
4375 has been appointed by the Governor to the Atlantic States Marine
4376 Fisheries Commission, (6) a representative of the Southern New
4377 England Fishermen's and Lobsterman's Association, (7) a
4378 representative of the Connecticut Commercial Lobstermen's
4379 Association, (8) a representative of the Long Island Western End
4380 Lobstermen's Association, (9) a representative of the state vocational
4381 aquaculture school known as the Sound School in New Haven, (10) a
4382 representative of a state vocational aquaculture school in Bridgeport,
4383 and (11) a representative of the Connecticut Seafood Council.

4384 (c) The committee shall be appointed jointly by the Commissioners
4385 of Energy and Environmental Protection and Agriculture, after
4386 receiving appointment nominations from each group listed in
4387 subsection (b) of this section, not more than thirty days after May 26,
4388 2006. The committee shall elect its own chairman and such other
4389 officers and adopt such rules of procedure as it may deem appropriate.
4390 Members of said committee shall receive no compensation for their
4391 services but shall be reimbursed for necessary expenses in the
4392 performance of their duties.

4393 Sec. 85. Section 28-24 of the general statutes is repealed and the
4394 following is substituted in lieu thereof (*Effective July 1, 2011*):

4395 (a) There is established an Office of State-Wide Emergency
4396 Telecommunications which shall be in the Division of Fire, Emergency
4397 and Building Services within the Department of Public Safety. The
4398 Office of State-Wide Emergency Telecommunications shall be
4399 responsible for developing and maintaining a state-wide emergency
4400 service telecommunications policy. In connection with said policy the
4401 office shall:

4402 (1) Develop a state-wide emergency service telecommunications
4403 plan specifying emergency police, fire and medical service
4404 telecommunications systems needed to provide coordinated
4405 emergency service telecommunications to all state residents, including
4406 the physically disabled;

4407 (2) Pursuant to the recommendations of the task force established by
4408 public act 95-318 to study enhanced 9-1-1 telecommunications services,
4409 and in accordance with regulations adopted by the Commissioner of
4410 Public Safety pursuant to subsection (b) of this section, develop and
4411 administer, by July 1, 1997, an enhanced emergency 9-1-1 program,
4412 which shall provide for: (A) The replacement of existing 9-1-1 terminal
4413 equipment for each public safety answering point; (B) the
4414 subsidization of regional public safety emergency telecommunications
4415 centers, with enhanced subsidization for municipalities with a

4416 population in excess of forty thousand; (C) the establishment of a
4417 transition grant program to encourage regionalization of public safety
4418 telecommunications centers; and (D) the establishment of a regional
4419 emergency telecommunications service credit in order to support
4420 regional dispatch services;

4421 (3) Provide technical telecommunications assistance to state and
4422 local police, fire and emergency medical service agencies;

4423 (4) Provide frequency coordination for such agencies;

4424 (5) Coordinate and assist in state-wide planning for 9-1-1 and E 9-1-
4425 1 systems;

4426 (6) Review and make recommendations concerning proposed
4427 legislation affecting emergency service telecommunications; and

4428 (7) Review and make recommendations to the General Assembly
4429 concerning emergency service telecommunications funding.

4430 (b) The Commissioner of Public Safety shall adopt regulations, in
4431 accordance with chapter 54, establishing eligibility standards for state
4432 financial assistance to local or regional police, fire and emergency
4433 medical service agencies providing emergency service
4434 telecommunications. Not later than April 1, 1997, the commissioner
4435 shall adopt regulations, in accordance with chapter 54, in order to
4436 carry out the provisions of subdivision (2) of subsection (a) of this
4437 section.

4438 (c) Within a time period determined by the commissioner to ensure
4439 the availability of funds for the fiscal year beginning July 1, 1997, to the
4440 regional public safety emergency telecommunications centers within
4441 the state, and not later than April first of each year thereafter, the
4442 commissioner shall determine the amount of funding needed for the
4443 development and administration of the enhanced emergency 9-1-1
4444 program. The commissioner shall specify the expenses associated with
4445 (1) the purchase, installation and maintenance of new public safety

4446 answering point terminal equipment, (2) the implementation of the
4447 subsidy program, as described in subdivision (2) of subsection (a) of
4448 this section, (3) the implementation of the transition grant program,
4449 described in subdivision (2) of subsection (a) of this section, (4) the
4450 implementation of the regional emergency telecommunications service
4451 credit, as described in subdivision (2) of subsection (a) of this section,
4452 provided, for the fiscal year ending June 30, 2001, and each fiscal year
4453 thereafter, such credit for coordinated medical emergency direction
4454 services as provided in regulations adopted under this section shall be
4455 based upon the factor of thirty cents per capita and shall not be
4456 reduced each year, (5) the training of personnel, as necessary, (6)
4457 recurring expenses and future capital costs associated with the
4458 telecommunications network used to provide emergency 9-1-1 service
4459 and the public safety services data networks, (7) for the fiscal year
4460 ending June 30, 2001, and each fiscal year thereafter, the collection,
4461 maintenance and reporting of emergency medical services data, as
4462 required under subparagraphs (A) and (B) of subdivision (8) of section
4463 19a-177, provided the amount of expenses specified under this
4464 subdivision shall not exceed two hundred fifty thousand dollars in any
4465 fiscal year, (8) for the fiscal year ending June 30, 2001, and each fiscal
4466 year thereafter, the initial training of emergency medical dispatch
4467 personnel, the provision of an emergency medical dispatch priority
4468 reference card set and emergency medical dispatch training and
4469 continuing education pursuant to subdivisions (3) and (4) of
4470 subsection (g) of section 28-25b, and (9) the administration of the
4471 enhanced emergency 9-1-1 program by the Office of State-Wide
4472 Emergency Telecommunications, as the commissioner determines to
4473 be reasonably necessary. The commissioner shall communicate the
4474 commissioner's findings to the [chairperson of the Public Utilities
4475 Control Authority] Public Utilities Regulatory Authority not later than
4476 April first of each year.

4477 (d) The office may apply for, receive and distribute any federal
4478 funds available for emergency service telecommunications. The office
4479 shall deposit such federal funds in the Enhanced 9-1-1

4480 Telecommunications Fund established by section 28-30a.

4481 (e) The office shall work in cooperation with the [Department of
4482 Public Utility Control] Public Utilities Regulatory Authority to carry
4483 out the purposes of this section.

4484 Sec. 86. Subsection (a) of section 32-1o of the general statutes is
4485 repealed and the following is substituted in lieu thereof (*Effective July*
4486 *1, 2011*):

4487 (a) On or before July 1, 2009, and every five years thereafter, the
4488 Commissioner of Economic and Community Development, within
4489 available appropriations, shall prepare an economic strategic plan for
4490 the state in consultation with the Secretary of the Office of Policy and
4491 Management, the Commissioners of Energy and Environmental
4492 Protection and Transportation, the Labor Commissioner, the executive
4493 directors of the Connecticut Housing Finance Authority, the
4494 Connecticut Development Authority, Connecticut Innovations,
4495 Incorporated, the Commission on Culture and Tourism and the
4496 Connecticut Health and Educational Facilities Authority, and the
4497 president of the Office of Workforce Competitiveness, or their
4498 respective designees, and any other agencies the Commissioner of
4499 Economic and Community Development deems appropriate.

4500 Sec. 87. Section 32-9cc of the general statutes is repealed and the
4501 following is substituted in lieu thereof (*Effective July 1, 2011*):

4502 (a) There is established, within the Department of Economic and
4503 Community Development, an Office of Brownfield Remediation and
4504 Development.

4505 (b) The office shall:

4506 (1) Develop procedures and policies for streamlining the process for
4507 brownfield remediation and development;

4508 (2) Identify existing and potential sources of funding for brownfield
4509 remediation and develop procedures for expediting the application for

4510 and release of such funds;

4511 (3) Establish an office to provide assistance and information
4512 concerning the state's technical assistance, funding, regulatory and
4513 permitting programs;

4514 (4) Provide a single point of contact for financial and technical
4515 assistance from the state and quasi-public agencies;

4516 (5) Develop a common application to be used by all state and quasi-
4517 public entities providing financial assistance for brownfield
4518 assessment, remediation and development; and

4519 (6) Identify and prioritize state-wide brownfield development
4520 opportunities; and

4521 (7) Develop and execute a communication and outreach program to
4522 educate municipalities, economic development agencies, property
4523 owners and potential property owners and other organizations and
4524 individuals with regard to state policies and procedures for brownfield
4525 remediation.

4526 (c) Subject to the availability of funds, there shall be a state-funded
4527 pilot program to identify brownfield remediation economic
4528 opportunities in five Connecticut municipalities, one of which shall
4529 have a population of less than fifty thousand, one of which shall have a
4530 population of more than fifty thousand but less than one hundred
4531 thousand, two of which shall have populations of more than one
4532 hundred thousand and one of which shall be selected without regard
4533 to population. The Commissioner of Economic and Community
4534 Development shall designate five pilot municipalities in which
4535 untreated brownfields hinder economic development and shall make
4536 grants under such pilot program to these municipalities or economic
4537 development agencies associated with each of the five municipalities
4538 that are likely to produce significant economic development benefit for
4539 the designated municipality.

4540 (d) The Department of Energy and Environmental Protection, the
4541 Connecticut Development Authority and the Department of Public
4542 Health shall each designate one or more staff members to act as a
4543 liaison between their offices and the Office of Brownfield Remediation
4544 and Development. The Commissioners of Economic and Community
4545 Development, Energy and Environmental Protection and Public
4546 Health and the executive director of the Connecticut Development
4547 Authority shall enter into a memorandum of understanding
4548 concerning each entity's responsibilities with respect to the Office of
4549 Brownfield Remediation and Development. The Office of Brownfield
4550 Remediation and Development may develop and recruit two
4551 volunteers from the private sector, including a person from the
4552 Connecticut chapter of the National Brownfield Association, with
4553 experience in different aspects of brownfield remediation and
4554 development. Said volunteers may assist the Office of Brownfield
4555 Remediation and Development in achieving the goals of this section.

4556 (e) The Office of Brownfield Remediation and Development may
4557 call upon any other department, board, commission or other agency of
4558 the state to supply such reports, information and assistance as said
4559 office determines is appropriate to carry out its duties and
4560 responsibilities. Each officer or employee of such office, department,
4561 board, commission or other agency of the state is authorized and
4562 directed to cooperate with the Office of Brownfield Remediation and
4563 Development and to furnish such reports, information and assistance.

4564 (f) Brownfield sites identified for funding under the pilot program
4565 established in subsection (c) of this section shall receive priority review
4566 status from the Department of Energy and Environmental Protection.
4567 Each property funded under this program shall be investigated in
4568 accordance with prevailing standards and guidelines and remediated
4569 in accordance with the regulations established for the remediation of
4570 such sites adopted by the Commissioner of Energy and Environmental
4571 Protection or pursuant to section 22a-133k and under the supervision
4572 of the department or in accordance with the voluntary remediation
4573 program established in section 22a-133x. In either event, the

4574 department shall determine that remediation of the property has been
4575 fully implemented upon submission of a report indicating that
4576 remediation has been verified by an environmental professional
4577 licensed in accordance with section 22a-133v. Not later than ninety
4578 days after submission of the verification report, the Commissioner of
4579 Energy and Environmental Protection shall notify the municipality or
4580 economic development agency as to whether the remediation has been
4581 performed and completed in accordance with the remediation
4582 standards or whether any additional remediation is warranted. For
4583 purposes of acknowledging that the remediation is complete, the
4584 commissioner may indicate that all actions to remediate any pollution
4585 caused by any release have been taken in accordance with the
4586 remediation standards and that no further remediation is necessary to
4587 achieve compliance except postremediation monitoring, natural
4588 attenuation monitoring or the recording of an environmental land use
4589 restriction.

4590 (g) All relevant terms in this subsection, subsection (h) of this
4591 section, sections 32-9dd to 32-9ff, inclusive, and section 11 of public act
4592 06-184 shall be defined in accordance with the definitions in chapter
4593 445. For purposes of subdivision (12) of subsection (a) of section 32-9t,
4594 this subsection, subsection (h) of this section, sections 32-9dd to 32-9gg,
4595 inclusive, and section 11 of public act 06-184, "brownfields" means any
4596 abandoned or underutilized site where redevelopment and reuse has
4597 not occurred due to the presence of pollution in the soil or
4598 groundwater that requires remediation prior to or in conjunction with
4599 the restoration, redevelopment and reuse of the property.

4600 (h) The Departments of Economic and Community Development
4601 and Energy and Environmental Protection shall administer the
4602 provisions of subdivision (1) of section 22a-134, section 32-1m,
4603 subdivision (12) of subsection (a) of section 32-9t, sections 32-9cc to 32-
4604 9gg, inclusive, and section 11 of public act 06-184 within available
4605 appropriations and any funds allocated pursuant to sections 4-66c,
4606 22a-133t and 32-9t.

4607 Sec. 88. (*Effective July 1, 2011*) Not later than January 2, 2012, the
4608 Commissioner of Energy and Environmental Protection shall submit a
4609 report, in accordance with the provisions of section 11-4a of the general
4610 statutes, to the joint standing committees of the General Assembly
4611 having cognizance of matters relating to appropriations and the
4612 budgets of state agencies and energy and the environment concerning
4613 (1) the status of the merger of the Departments of Public Utility
4614 Control and Environmental Protection in accordance with the
4615 provisions of this act, and (2) any recommendations for further
4616 legislative action concerning such merger.

4617 Sec. 89. Section 16a-3a of the general statutes is repealed and the
4618 following is substituted in lieu thereof (*Effective July 1, 2011*):

4619 (a) The electric distribution companies, in consultation with the
4620 Connecticut Energy Advisory Board, established pursuant to section
4621 16a-3, shall review the state's energy and capacity resource assessment
4622 and develop [a comprehensive] an integrated resources plan for the
4623 procurement of energy resources, including, but not limited to,
4624 conventional and renewable generating facilities, energy efficiency,
4625 load management, demand response, combined heat and power
4626 facilities, distributed generation and other emerging energy
4627 technologies to meet the projected requirements of their customers in a
4628 manner that minimizes the cost of such resources to customers over
4629 time and maximizes consumer benefits consistent with the state's
4630 environmental goals and standards. Such integrated resources plan
4631 shall seek to lower the cost of electricity.

4632 (b) On or before January 1, [2008] 2012, and biennially thereafter, the
4633 companies, shall submit to the Connecticut Energy Advisory Board an
4634 assessment of (1) the energy and capacity requirements of customers
4635 for the next three, five and ten years, (2) the manner of how best to
4636 eliminate growth in electric demand, (3) how best to level electric
4637 demand in the state by reducing peak demand and shifting demand to
4638 off-peak periods, (4) the impact of current and projected
4639 environmental standards, including, but not limited to, those related to

4640 greenhouse gas emissions and the federal Clean Air Act goals and how
4641 different resources could help achieve those standards and goals, (5)
4642 energy security and economic risks associated with potential energy
4643 resources, and (6) the estimated lifetime cost and availability of
4644 potential energy resources.

4645 (c) Resource needs shall first be met through all available energy
4646 efficiency and demand reduction resources that are cost-effective,
4647 reliable and feasible. The projected customer cost impact of any
4648 demand-side resources considered pursuant to this subsection shall be
4649 reviewed on an equitable bases with nondemand-side resources. The
4650 [procurement] integrated resources plan shall specify (1) the total
4651 amount of energy and capacity resources needed to meet the
4652 requirements of all customers, (2) the extent to which demand-side
4653 measures, including efficiency, conservation, demand response and
4654 load management can cost-effectively meet these needs in a manner
4655 that ensures equity in benefits and cost reduction to all classes and
4656 subclasses of consumers, (3) needs for generating capacity and
4657 transmission and distribution improvements, (4) how the development
4658 of such resources will reduce and stabilize the costs of electricity to
4659 each class and subclass of consumers, and (5) the manner in which
4660 each of the proposed resources should be procured, including the
4661 optimal contract periods for various resources.

4662 (d) The [procurement] integrated resources plan shall consider: (1)
4663 Approaches to maximizing the impact of demand-side measures; (2)
4664 the extent to which generation needs can be met by renewable and
4665 combined heat and power facilities; (3) the optimization of the use of
4666 generation sites and generation portfolio existing within the state; (4)
4667 fuel types, diversity, availability, firmness of supply and security and
4668 environmental impacts thereof, including impacts on meeting the
4669 state's greenhouse gas emission goals; (5) reliability, peak load and
4670 energy forecasts, system contingencies and existing resource
4671 availabilities; (6) import limitations and the appropriate reliance on
4672 such imports; [and] (7) the impact of the procurement plan on the costs
4673 of electric customers; and (8) the effects on participants and

4674 nonparticipants.

4675 (e) The board, in consultation with the regional independent system
4676 operator, shall review and approve or review, modify and approve the
4677 proposed [procurement] plan as submitted not later than one hundred
4678 twenty days after receipt. For calendar years 2009 and thereafter, the
4679 board shall conduct such review not later than sixty days after receipt.
4680 For the purpose of reviewing the plan, the Commissioners of
4681 Transportation and Agriculture and the [chairperson of the] Public
4682 Utilities [Control] Regulatory Authority, or their respective designees,
4683 shall not participate as members of the board. The electric distribution
4684 companies shall provide any additional information requested by the
4685 board that is relevant to the consideration of the procurement plan. In
4686 the course of conducting such review, the board shall conduct a public
4687 hearing, may retain the services of a third-party entity with experience
4688 in the area of energy procurement and may consult with the regional
4689 independent system operator. The board shall submit the reviewed
4690 procurement plan, together with a statement of any unresolved issues,
4691 to the Department of [Public Utility Control] Energy and
4692 Environmental Protection. The department shall consider the
4693 procurement plan in an uncontested proceeding and shall conduct a
4694 hearing and provide an opportunity for interested parties to submit
4695 comments regarding the procurement plan. Not later than one
4696 hundred twenty days after submission of the procurement plan, the
4697 department shall approve, or modify and approve, the procurement
4698 plan.

4699 (f) On or before [September 30, 2009] March 1, 2012, and every two
4700 years thereafter, the Department of [Public Utility Control] Energy and
4701 Environmental Protection shall report to the joint standing committees
4702 of the General Assembly having cognizance of matters relating to
4703 energy and the environment regarding goals established and progress
4704 toward implementation of the [procurement] integrated resources plan
4705 established pursuant to this section, as well as any recommendations
4706 for the process.

4707 (g) All [electric distribution companies'] costs associated with the
4708 development of the resource assessment and the development of the
4709 [procurement] integrated resources plan and the procurement plan
4710 shall be recoverable through the [systems benefits charge] assessment
4711 in section 16-49, as amended by this act.

4712 Sec. 90. Section 16-244c of the general statutes is repealed and the
4713 following is substituted in lieu thereof (*Effective July 1, 2011*):

4714 (a) (1) On and after January 1, 2000, each electric distribution
4715 company shall make available to all customers in its service area, the
4716 provision of electric generation and distribution services through a
4717 standard offer. Under the standard offer, a customer shall receive
4718 electric services at a rate established by the [Department of Public
4719 Utility Control] Public Utilities Regulatory Authority pursuant to
4720 subdivision (2) of this subsection. Each electric distribution company
4721 shall provide electric generation services in accordance with such
4722 option to any customer who affirmatively chooses to receive electric
4723 generation services pursuant to the standard offer or does not or is
4724 unable to arrange for or maintain electric generation services with an
4725 electric supplier. The standard offer shall automatically terminate on
4726 January 1, 2004. While providing electric generation services under the
4727 standard offer, an electric distribution company may provide electric
4728 generation services through any of its generation entities or affiliates,
4729 provided such entities or affiliates are licensed pursuant to section 16-
4730 245, as amended by this act.

4731 (2) Not later than October 1, 1999, the Department of [Public Utility
4732 Control] Energy and Environmental Protection shall establish the
4733 standard offer for each electric distribution company, effective January
4734 1, 2000, which shall allocate the costs of such company among electric
4735 transmission and distribution services, electric generation services, the
4736 competitive transition assessment and the systems benefits charge. The
4737 department shall hold a hearing that shall be conducted as a contested
4738 case in accordance with chapter 54 to establish the standard offer. The
4739 standard offer shall provide that the total rate charged under the

4740 standard offer, including electric transmission and distribution
4741 services, the conservation and load management program charge
4742 described in section 16-245m, as amended by this act, the renewable
4743 energy investment charge described in section 16-245n, as amended by
4744 this act, electric generation services, the competitive transition
4745 assessment and the systems benefits charge shall be at least ten per
4746 cent less than the base rates, as defined in section 16-244a, in effect on
4747 December 31, 1996. The standard offer shall be adjusted to the extent of
4748 any increase or decrease in state taxes attributable to sections 12-264
4749 and 12-265 and any other increase or decrease in state or federal taxes
4750 resulting from a change in state or federal law and shall continue to be
4751 adjusted during such period pursuant to section 16-19b.
4752 Notwithstanding the provisions of section 16-19b, the provisions of
4753 said section 16-19b shall apply to electric distribution companies. The
4754 standard offer may be adjusted, by an increase or decrease, to the
4755 extent approved by the department, in the event that (A) the revenue
4756 requirements of the company are affected as the result of changes in (i)
4757 legislative enactments other than public act 98-28, (ii) administrative
4758 requirements, or (iii) accounting standards occurring after July 1, 1998,
4759 provided such accounting standards are adopted by entities
4760 independent of the company that have authority to issue such
4761 standards, or (B) an electric distribution company incurs extraordinary
4762 and unanticipated expenses required for the provision of safe and
4763 reliable electric service to the extent necessary to provide such service.
4764 Savings attributable to a reduction in taxes shall not be shifted between
4765 customer classes.

4766 (3) The price reduction provided in subdivision (2) of this
4767 subsection shall not apply to customers who, on or after July 1, 1998,
4768 are purchasing electric services from an electric company or electric
4769 distribution company, as the case may be, under a special contract or
4770 flexible rate tariff, and the company's filed standard offer tariffs shall
4771 reflect that such customers shall not receive the standard offer price
4772 reduction.

4773 (b) (1) (A) On and after January 1, 2004, each electric distribution

4774 company shall make available to all customers in its service area, the
4775 provision of electric generation and distribution services through a
4776 transitional standard offer. Under the transitional standard offer, a
4777 customer shall receive electric services at a rate established by the
4778 [Department of Public Utility Control] Public Utilities Regulatory
4779 Authority pursuant to subdivision (2) of this subsection. Each electric
4780 distribution company shall provide electric generation services in
4781 accordance with such option to any customer who affirmatively
4782 chooses to receive electric generation services pursuant to the
4783 transitional standard offer or does not or is unable to arrange for or
4784 maintain electric generation services with an electric supplier. The
4785 transitional standard offer shall terminate on December 31, 2006. While
4786 providing electric generation services under the transitional standard
4787 offer, an electric distribution company may provide electric generation
4788 services through any of its generation entities or affiliates, provided
4789 such entities or affiliates are licensed pursuant to section 16-245, as
4790 amended by this act.

4791 (B) The [department] authority shall conduct a proceeding to
4792 determine whether a practical, effective, and cost-effective process
4793 exists under which an electric customer, when initiating electric
4794 service, may receive information regarding selecting electric
4795 generating services from a qualified entity. The [department] authority
4796 shall complete such proceeding on or before December 1, 2005, and
4797 shall implement the resulting decision on or before March 1, 2006, or
4798 on such later date that the [department] authority considers
4799 appropriate. An electric distribution company's costs of participating
4800 in the proceeding and implementing the results of the [department's]
4801 authority's decision shall be recoverable by the company as generation
4802 services costs through an adjustment mechanism as approved by the
4803 [department] authority.

4804 (2) (A) Not later than December 15, 2003, the [Department of Public
4805 Utility Control] Public Utilities Regulatory Authority shall establish
4806 the transitional standard offer for each electric distribution company,
4807 effective January 1, 2004.

4808 (B) The [department] authority shall hold a hearing that shall be
4809 conducted as a contested case in accordance with chapter 54 to
4810 establish the transitional standard offer. The transitional standard offer
4811 shall provide that the total rate charged under the transitional
4812 standard offer, including electric transmission and distribution
4813 services, the conservation and load management program charge
4814 described in section 16-245m, as amended by this act, the renewable
4815 energy investment charge described in section 16-245n, as amended by
4816 this act, electric generation services, the competitive transition
4817 assessment and the systems benefits charge, and excluding federally
4818 mandated congestion costs, shall not exceed the base rates, as defined
4819 in section 16-244a, in effect on December 31, 1996, excluding any rate
4820 reduction ordered by the [department] authority on September 26,
4821 2002.

4822 (C) (i) Each electric distribution company shall, on or before January
4823 1, 2004, file with the [department] authority an application for an
4824 amendment of rates pursuant to section 16-19, which application shall
4825 include a four-year plan for the provision of electric transmission and
4826 distribution services. The [department] authority shall conduct a
4827 contested case proceeding pursuant to sections 16-19 and 16-19e to
4828 approve, reject or modify the application and plan. Upon the approval
4829 of such plan, as filed or as modified by the [department] authority, the
4830 [department] authority shall order that such plan shall establish the
4831 electric transmission and distribution services component of the
4832 transitional standard offer.

4833 (ii) Notwithstanding the provisions of this subparagraph, an electric
4834 distribution company that, on or after September 1, 2002, completed a
4835 proceeding pursuant to sections 16-19 and 16-19e, shall not be required
4836 to file an application for an amendment of rates as required by this
4837 subparagraph. The [department] authority shall establish the electric
4838 transmission and distribution services component of the transitional
4839 standard offer for any such company equal to the electric transmission
4840 and distribution services component of the standard offer established
4841 pursuant to subsection (a) of this section in effect on July 1, 2003, for

4842 such company. If such electric distribution company applies to the
4843 [department] authority, pursuant to section 16-19, for an amendment
4844 of its rates on or before December 31, 2006, the application of the
4845 electric distribution company shall include a four-year plan.

4846 (D) The transitional standard offer (i) shall be adjusted to the extent
4847 of any increase or decrease in state taxes attributable to sections 12-264
4848 and 12-265 and any other increase or decrease in state or federal taxes
4849 resulting from a change in state or federal law, (ii) shall be adjusted to
4850 provide for the cost of contracts under subdivision (2) of subsection (j)
4851 of this section and the administrative costs for the procurement of such
4852 contracts, and (iii) shall continue to be adjusted during such period
4853 pursuant to section 16-19b. Savings attributable to a reduction in taxes
4854 shall not be shifted between customer classes. Notwithstanding the
4855 provisions of section 16-19b, the provisions of section 16-19b shall
4856 apply to electric distribution companies.

4857 (E) The transitional standard offer may be adjusted, by an increase
4858 or decrease, to the extent approved by the [department] authority, in
4859 the event that (i) the revenue requirements of the company are affected
4860 as the result of changes in (I) legislative enactments other than public
4861 act 03-135 or public act 98-28, (II) administrative requirements, or (III)
4862 accounting standards adopted after July 1, 2003, provided such
4863 accounting standards are adopted by entities that are independent of
4864 the company and have authority to issue such standards, or (ii) an
4865 electric distribution company incurs extraordinary and unanticipated
4866 expenses required for the provision of safe and reliable electric service
4867 to the extent necessary to provide such service.

4868 (3) The price provided in subdivision (2) of this subsection shall not
4869 apply to customers who, on or after July 1, 2003, purchase electric
4870 services from an electric company or electric distribution company, as
4871 the case may be, under a special contract or flexible rate tariff,
4872 provided the company's filed transitional standard offer tariffs shall
4873 reflect that such customers shall not receive the transitional standard
4874 offer price during the term of said contract or tariff.

4875 (4) (A) In addition to its costs received pursuant to subsection (h) of
4876 this section, as compensation for providing transitional standard offer
4877 service, each electric distribution company shall receive an amount
4878 equal to five-tenths of one mill per kilowatt hour. Revenues from such
4879 compensation shall not be included in calculating the electric
4880 distribution company's earnings for purposes of, or in determining
4881 whether its rates are just and reasonable under, sections 16-19, 16-19a
4882 and 16-19e, including an earnings sharing mechanism. In addition,
4883 each electric distribution company may earn compensation for
4884 mitigating the prices of the contracts for the provision of electric
4885 generation services, as provided in subdivision (2) of this subsection.

4886 (B) The [department] authority shall conduct a contested case
4887 proceeding pursuant to the provisions of chapter 54 to establish an
4888 incentive plan for the procurement of long-term contracts for
4889 transitional standard offer service by an electric distribution company.
4890 The incentive plan shall be based upon a comparison of the actual
4891 average firm full requirements service contract price for electricity
4892 obtained by the electric distribution company compared to the regional
4893 average firm full requirements service contract price for electricity,
4894 adjusted for such variables as the [department] authority deems
4895 appropriate, including, but not limited to, differences in locational
4896 marginal pricing. If the actual average firm full requirements service
4897 contract price obtained by the electric distribution company is less than
4898 the actual regional average firm full requirements service contract
4899 price for the previous year, the [department] authority shall split five-
4900 tenths of one mill per kilowatt hour equally between ratepayers and
4901 the company. Revenues from such incentive plan shall not be included
4902 in calculating the electric distribution company's earnings for purposes
4903 of, or in determining whether its rates are just and reasonable under
4904 sections 16-19, 16-19a and 16-19e. The [department] authority may, as
4905 it deems necessary, retain a third party entity with expertise in energy
4906 procurement to assist with the development of such incentive plan.

4907 (c) (1) On and after January 1, 2007, each electric distribution
4908 company shall provide electric generation services through standard

4909 service to any customer who (A) does not arrange for or is not
4910 receiving electric generation services from an electric supplier, and (B)
4911 does not use a demand meter or has a maximum demand of less than
4912 five hundred kilowatts.

4913 (2) Not later than October 1, 2006, and periodically as required by
4914 subdivision (3) of this subsection, but not more often than every
4915 calendar quarter, the [Department of Public Utility Control] Public
4916 Utilities Regulatory Authority shall establish the standard service price
4917 for such customers pursuant to subdivision (3) of this subsection. Each
4918 electric distribution company shall recover the actual net costs of
4919 procuring and providing electric generation services pursuant to this
4920 subsection, provided such company mitigates the costs it incurs for the
4921 procurement of electric generation services for customers who are no
4922 longer receiving service pursuant to this subsection.

4923 (3) An electric distribution company providing electric generation
4924 services pursuant to this subsection shall mitigate the variation of the
4925 price of the service offered to its customers by procuring electric
4926 generation services contracts. [in the manner prescribed in a plan
4927 approved by the department. Such plan shall require the procurement
4928 of a portfolio of service contracts sufficient to meet the projected load
4929 of the electric distribution company.] Such plan shall require that the
4930 portfolio of service contracts be procured [in an overlapping pattern of
4931 fixed periods at such times and] in such manner and duration as the
4932 [department] authority determines to be most likely to produce just,
4933 reasonable and reasonably stable retail rates while reflecting
4934 underlying wholesale market prices over time. The portfolio of
4935 contracts shall be assembled in such manner as to invite competition;
4936 guard against favoritism, improvidence, extravagance, fraud and
4937 corruption; and secure a reliable electricity supply while avoiding
4938 unusual, anomalous or excessive pricing. [The portfolio of contracts
4939 procured under such plan shall be for terms of not less than six
4940 months, provided contracts for shorter periods may be procured under
4941 such conditions as the department shall prescribe to (A) ensure the
4942 lowest rates possible for end-use customers; (B) ensure reliable service

4943 under extraordinary circumstances; and (C) ensure the prudent
4944 management of the contract portfolio.] An affiliate of an electric
4945 distribution company may [receive a] bid for an electric generation
4946 services contract, [from any of its generation entities or affiliates,]
4947 provided such [generation entity or affiliate submits its bid the
4948 business day preceding the first day on which an unaffiliated electric
4949 supplier may submit its bid and further provided the] electric
4950 distribution company and [the generation entity or] affiliate are in
4951 compliance with the code of conduct established in section 16-244h.

4952 (4) [The department, in consultation with the Office of Consumer
4953 Counsel, shall] The procurement manager of the Public Utilities
4954 Regulatory Authority may retain the services of [a third-party entity
4955 with expertise in the area of energy procurement to oversee the initial
4956 development of the request for proposals and the procurement of
4957 contracts by an electric distribution company for the provision] entities
4958 as it sees fit to assist with the procurement of electric generation
4959 services [offered pursuant to this subsection] for standard service.
4960 Costs associated with the retention of such third-party entity shall be
4961 included in the cost of [electric generation services that is included in
4962 such price] standard service.

4963 (5) [Each] For standard service contracts procured prior to
4964 department approval of the plan developed pursuant to section 91 of
4965 this act, each bidder for a standard service contract shall submit its bid
4966 to the electric distribution company and the third-party entity who
4967 shall jointly review the bids and submit an overview of all bids
4968 together with a joint recommendation to the department as to the
4969 preferred bidders. The department may, within ten business days of
4970 submission of the overview, reject the recommendation regarding
4971 preferred bidders. In the event that the department rejects the
4972 preferred bids, the electric distribution company and the third-party
4973 entity shall rebid the service pursuant to this subdivision. The
4974 department shall review each bid in an uncontested proceeding that
4975 shall include a public hearing and in which the Consumer Counsel and
4976 Attorney General may participate.

4977 (d) (1) Notwithstanding the provisions of this section regarding the
4978 electric generation services component of the transitional standard
4979 offer or the procurement of electric generation services under standard
4980 service, section 16-244h or 16-245o, as amended by this act, the
4981 Department of [Public Utility Control] Energy and Environmental
4982 Protection may, from time to time, direct an electric distribution
4983 company to offer, through an electric supplier or electric suppliers,
4984 before January 1, 2007, one or more alternative transitional standard
4985 offer options or, on or after January 1, 2007, one or more alternative
4986 standard service options. Such alternative options shall include, but
4987 not be limited to, an option that consists of the provision of electric
4988 generation services that exceed the renewable portfolio standards
4989 established in section 16-245a and may include an option that utilizes
4990 strategies or technologies that reduce the overall consumption of
4991 electricity of the customer.

4992 (2) (A) The [department] authority shall develop such alternative
4993 option or options in a contested case conducted in accordance with the
4994 provisions of chapter 54. The [department] authority shall determine
4995 the terms and conditions of such alternative option or options,
4996 including, but not limited to, (i) the minimum contract terms,
4997 including pricing, length and termination of the contract, and (ii) the
4998 minimum percentage of electricity derived from Class I or Class II
4999 renewable energy sources, if applicable. The electric distribution
5000 company shall, under the supervision of the [department] authority,
5001 subsequently conduct a bidding process in order to solicit electric
5002 suppliers to provide such alternative option or options.

5003 (B) The [department] authority may reject some or all of the bids
5004 received pursuant to the bidding process.

5005 (3) The [department] authority may require an electric supplier to
5006 provide forms of assurance to satisfy the [department] authority that
5007 the contracts resulting from the bidding process will be fulfilled.

5008 (4) An electric supplier who fails to fulfill its contractual obligations

5009 resulting from this subdivision shall be subject to civil penalties, in
5010 accordance with the provisions of section 16-41, or the suspension or
5011 revocation of such supplier's license or a prohibition on the acceptance
5012 of new customers, following a hearing that is conducted as a contested
5013 case, in accordance with the provisions of chapter 54.

5014 (e) (1) On and after January 1, 2007, an electric distribution company
5015 shall serve customers that are not eligible to receive standard service
5016 pursuant to subsection (c) of this section as the supplier of last resort.
5017 This subsection shall not apply to customers purchasing power under
5018 contracts entered into pursuant to section 16-19hh.

5019 (2) An electric distribution company shall procure electricity at least
5020 every calendar quarter to provide electric generation services to
5021 customers pursuant to this subsection. The [Department of Public
5022 Utility Control] Public Utilities Regulatory Authority shall determine a
5023 price for such customers that reflects the full cost of providing the
5024 electricity on a monthly basis. Each electric distribution company shall
5025 recover the actual net costs of procuring and providing electric
5026 generation services pursuant to this subsection, provided such
5027 company mitigates the costs it incurs for the procurement of electric
5028 generation services for customers that are no longer receiving service
5029 pursuant to this subsection.

5030 (f) On and after January 1, 2000, and until such time the regional
5031 independent system operator implements procedures for the provision
5032 of back-up power to the satisfaction of the [Department of Public
5033 Utility Control] Public Utilities Regulatory Authority, each electric
5034 distribution company shall provide electric generation services to any
5035 customer who has entered into a service contract with an electric
5036 supplier that fails to provide electric generation services for reasons
5037 other than the customer's failure to pay for such services. Between
5038 January 1, 2000, and December 31, 2006, an electric distribution
5039 company may procure electric generation services through a
5040 competitive bidding process or through any of its generation entities
5041 or affiliates. On and after January 1, 2007, such company shall procure

5042 electric generation services through a competitive bidding process
5043 pursuant to a plan submitted by the electric distribution company and
5044 approved by the [department] authority. Such company may procure
5045 electric generation services through any of its generation entities or
5046 affiliates, provided such entity or affiliate is the lowest qualified bidder
5047 and provided further any such entity or affiliate is licensed pursuant to
5048 section 16-245, as amended by this act.

5049 (g) An electric distribution company is not required to be licensed
5050 pursuant to section 16-245, as amended by this act, to provide standard
5051 offer electric generation services in accordance with subsection (a) of
5052 this section, transitional standard offer service pursuant to subsection
5053 (b) of this section, standard service pursuant to subsection (c) of this
5054 section, supplier of last resort service pursuant to subsection (e) of this
5055 section or back-up electric generation service pursuant to subsection (f)
5056 of this section.

5057 (h) The electric distribution company shall be entitled to recover
5058 reasonable costs incurred as a result of providing standard offer
5059 electric generation services pursuant to the provisions of subsection (a)
5060 of this section, transitional standard offer service pursuant to
5061 subsection (b) of this section, standard service pursuant to subsection
5062 (c) of this section or back-up electric generation service pursuant to
5063 subsection (f) of this section. The provisions of this section and section
5064 16-244a shall satisfy the requirements of section 16-19a until January 1,
5065 2007.

5066 (i) The Department of [Public Utility Control] Energy and
5067 Environmental Protection shall establish, by regulations adopted
5068 pursuant to chapter 54, procedures for when and how a customer is
5069 notified that his electric supplier has defaulted and of the need for the
5070 customer to choose a new electric supplier within a reasonable period
5071 of time.

5072 (j) (1) Notwithstanding the provisions of subsection (d) of this
5073 section regarding an alternative transitional standard offer option or

5074 an alternative standard service option, an electric distribution
5075 company providing transitional standard offer service, standard
5076 service, supplier of last resort service or back-up electric generation
5077 service in accordance with this section shall contract with its wholesale
5078 suppliers to comply with the renewable portfolio standards. The
5079 [Department of Public Utility Control] Public Utilities Regulatory
5080 Authority shall annually conduct a contested case, in accordance with
5081 the provisions of chapter 54, in order to determine whether the electric
5082 distribution company's wholesale suppliers met the renewable
5083 portfolio standards during the preceding year. An electric distribution
5084 company shall include a provision in its contract with each wholesale
5085 supplier that requires the wholesale supplier to pay the electric
5086 distribution company an amount of five and one-half cents per
5087 kilowatt hour if the wholesale supplier fails to comply with the
5088 renewable portfolio standards during the subject annual period. The
5089 electric distribution company shall promptly transfer any payment
5090 received from the wholesale supplier for the failure to meet the
5091 renewable portfolio standards to the [Renewable] Clean Energy
5092 [Investment] Fund for the development of Class I renewable energy
5093 sources. Any payment made pursuant to this section shall not be
5094 considered revenue or income to the electric distribution company.

5095 (2) Notwithstanding the provisions of subsection (d) of this section
5096 regarding an alternative transitional standard offer option or an
5097 alternative standard service option, an electric distribution company
5098 providing transitional standard offer service, standard service,
5099 supplier of last resort service or back-up electric generation service in
5100 accordance with this section shall, not later than July 1, 2008, file with
5101 the [Department of Public Utility Control] Public Utilities Regulatory
5102 Authority for its approval one or more long-term power purchase
5103 contracts from Class I renewable energy source projects with a
5104 preference for projects located in Connecticut that receive funding
5105 from the [Renewable] Clean Energy [Investment] Fund and that are
5106 not less than one megawatt in size, at a price that is either, at the
5107 determination of the project owner, (A) not more than the total of the

5108 comparable wholesale market price for generation plus five and one-
5109 half cents per kilowatt hour, or (B) fifty per cent of the wholesale
5110 market electricity cost at the point at which transmission lines intersect
5111 with each other or interface with the distribution system, plus the
5112 project cost of fuel indexed to natural gas futures contracts on the New
5113 York Mercantile Exchange at the natural gas pipeline interchange
5114 located in Vermillion Parish, Louisiana that serves as the delivery
5115 point for such futures contracts, plus the fuel delivery charge for
5116 transporting fuel to the project, plus five and one-half cents per
5117 kilowatt hour. In its approval of such contracts, the [department]
5118 authority shall give preference to purchase contracts from those
5119 projects that would provide a financial benefit to ratepayers [or] and
5120 would enhance the reliability of the electric transmission system of the
5121 state. Such projects shall be located in this state. The owner of a fuel
5122 cell project principally manufactured in this state shall be allocated all
5123 available air emissions credits and tax credits attributable to the project
5124 and no less than fifty per cent of the energy credits in the Class I
5125 renewable energy credits program established in section 16-245a
5126 attributable to the project. On and after October 1, 2007, and until
5127 September 30, 2008, such contracts shall be comprised of not less than a
5128 total, apportioned among each electric distribution company, of one
5129 hundred twenty-five megawatts; and on and after October 1, 2008,
5130 such contracts shall be comprised of not less than a total, apportioned
5131 among each electrical distribution company, of one hundred fifty
5132 megawatts. The Public Utilities Regulatory Authority shall not issue
5133 any order that results in the extension of any in-service date or
5134 contractual arrangement made as a part of Project 100 or Project 150
5135 beyond the termination date previously approved by the authority
5136 established by the contract, provided any party to such contract may
5137 provide a notice of termination in accordance with the terms of, and to
5138 the extent permitted under, its contract. The cost of such contracts and
5139 the administrative costs for the procurement of such contracts directly
5140 incurred shall be eligible for inclusion in the adjustment to the
5141 transitional standard offer as provided in this section and any
5142 subsequent rates for standard service, provided such contracts are for a

5143 period of time sufficient to provide financing for such projects, but not
5144 less than ten years, and are for projects which began operation on or
5145 after July 1, 2003. Except as provided in this subdivision, the amount
5146 from Class I renewable energy sources contracted under such contracts
5147 shall be applied to reduce the applicable Class I renewable energy
5148 source portfolio standards. For purposes of this subdivision, the
5149 department's determination of the comparable wholesale market price
5150 for generation shall be based upon a reasonable estimate. On or before
5151 September 1, [2007] 2011, the [department] authority, in consultation
5152 with the Office of Consumer Counsel and the [Renewable] Clean
5153 Energy [Investments Advisory Council] Finance and Investment
5154 Authority, shall study the operation of such renewable energy
5155 contracts and report its findings and recommendations to the joint
5156 standing committee of the General Assembly having cognizance of
5157 matters relating to energy.

5158 (k) (1) As used in this section:

5159 (A) "Participating electric supplier" means an electric supplier that is
5160 licensed by the department to provide electric service, pursuant to this
5161 subsection, to residential or small commercial customers.

5162 (B) "Residential customer" means a customer who is eligible for
5163 standard service and who takes electric distribution-related service
5164 from an electric distribution company pursuant to a residential tariff.

5165 (C) "Small commercial customer" means a customer who is eligible
5166 for standard service and who takes electric distribution-related service
5167 from an electric distribution company pursuant to a small commercial
5168 tariff.

5169 (D) "Qualifying electric offer" means an offer to provide full
5170 requirements commodity electric service and all other generation-
5171 related service to a residential or small commercial customer at a fixed
5172 price per kilowatt hour for a term of no less than one year.

5173 (2) In the manner determined by the [department] authority,

5174 residential or small commercial service customers (A) initiating new
5175 utility service, (B) reinitiating service following a change of residence
5176 or business location, (C) making an inquiry regarding their utility
5177 rates, or (D) seeking information regarding energy efficiency shall be
5178 offered the option to learn about their ability to enroll with a
5179 participating electric supplier. Customers expressing an interest to
5180 learn about their electric supply options shall be informed of the
5181 qualifying electric offers then available from participating electric
5182 suppliers. The electric distribution companies shall describe then
5183 available qualifying electric offers through a method reviewed and
5184 approved by the [department] authority. The information conveyed to
5185 customers expressing an interest to learn about their electric supply
5186 options shall include, at a minimum, the price and term of the
5187 available electric supply option. Customers expressing an interest in a
5188 particular qualifying electric offer shall be immediately transferred to a
5189 call center operated by that participating electric supplier.

5190 (3) Not later than September 1, 2007, the [department] authority
5191 shall establish terms and conditions under which a participating
5192 electric supplier can be included in the referral program described in
5193 subdivision (2) of this subsection. Such terms shall include, but not be
5194 limited to, requiring participating electrical suppliers to offer time-of-
5195 use and real-time use rates to residential customers.

5196 (4) Each calendar quarter, participating electric suppliers shall be
5197 allowed to list qualifying offers to provide electric generation service
5198 to residential and small commercial customers with each customer's
5199 utility bill. The [department] authority shall determine the manner
5200 such information is presented in customers' utility bills.

5201 (5) Any customer that receives electric generation service from a
5202 participating electric supplier may return to standard service or may
5203 choose another participating electric supplier at any time, including
5204 during the qualifying electric offer, without the imposition of any
5205 additional charges. Any customer that is receiving electric generation
5206 service from an electric distribution company pursuant to standard

5207 service can switch to another participating electric supplier at any time
5208 without the imposition of additional charges.

5209 (l) Each electric distribution company shall offer to bill customers on
5210 behalf of participating electric suppliers and to pay such suppliers in a
5211 timely manner the amounts due such suppliers from customers for
5212 generation services, less a percentage of such amounts that reflects
5213 uncollectible bills and overdue payments as approved by the
5214 Department of [Public Utility Control] Energy and Environmental
5215 Protection.

5216 (m) On or before July 1, 2007, the [Department of Public Utility
5217 Control] Public Utilities Regulatory Authority shall initiate a
5218 proceeding to examine whether electric supplier bills rendered
5219 pursuant to section 16-245d, as amended by this act, and any
5220 regulations adopted thereunder sufficiently enable customers to
5221 compare pricing policies and charges among electric suppliers.

5222 (n) The authority shall conduct a proceeding to determine the cost
5223 of billing, collection and other services provided by the electric
5224 distribution companies or the department solely for the benefit of
5225 participating electric suppliers and aggregators. The department shall
5226 order an equitable allocation of such costs among electric suppliers
5227 and aggregators. As part of this same proceeding, the department shall
5228 also determine the costs that the electric distribution companies incur
5229 solely for the benefit of standard service and last resort service
5230 customers. After such determination, the department shall allocate and
5231 provide for the equitable recovery of such costs from standard service
5232 or last resort service customers.

5233 [(n)] (o) Nothing in the provisions of this section shall preclude an
5234 electric distribution company from entering into standard service
5235 supply contracts or standard service supply components with electric
5236 generating facilities.

5237 Sec. 91. (NEW) (*Effective July 1, 2011*) (a) On or before January 1,
5238 2012, and annually thereafter, each electric distribution company shall

5239 develop a plan for the procurement of electric generation services and
5240 related wholesale electricity market products that will enable each
5241 electric distribution company to manage a portfolio of contracts to
5242 reduce the average cost of standard service while maintaining
5243 standard service cost volatility within reasonable levels. Each
5244 procurement plan shall provide for the competitive solicitation for
5245 load-following electric service and may include a provision for the use
5246 of other contracts, including, but not limited to, contracts for
5247 generation or other electricity market products and financial contracts,
5248 and may provide for the use of varying lengths of contracts. If such
5249 plan includes the purchase of full requirements contracts, it shall
5250 include an explanation of why such purchases are in the best interests
5251 of standard service customers.

5252 (b) Each electric distribution company shall, not less than quarterly,
5253 meet with the Commissioner of Energy and Environmental Protection
5254 and prepare a written report on the implementation of the plan. If an
5255 electric distribution company finds that an interim amendment to the
5256 annual procurement plan might substantially further the goals of
5257 reducing the cost or cost volatility of standard service, the
5258 procurement manager may petition the Public Utilities Regulatory
5259 Authority for such an interim amendment. The Public Utilities
5260 Regulatory Authority shall provide notice of the proposed amendment
5261 to the Office of Consumer Counsel. The Office of Consumer Counsel
5262 shall have two business days from the date of said notice to request an
5263 uncontested proceeding and a technical meeting of the Public Utilities
5264 Regulatory Authority regarding the proposed amendment, which
5265 proceeding and meeting shall occur if requested. The Public Utilities
5266 Regulatory Authority may approve, modify or deny the proposed
5267 amendment, with such approval, modification or denial following the
5268 technical meeting if one is requested. The Public Utilities Regulatory
5269 Authority's ruling shall occur within three business days after the
5270 technical meeting, if one is requested, or within three business days of
5271 the expiration of the time for requesting a technical meeting if no
5272 technical meeting is requested. The Public Utilities Regulatory

5273 Authority may maintain the confidentiality of the technical meeting to
5274 the full extent allowed by law.

5275 (c) The costs of procurement for standard service shall be borne
5276 solely by the standard service customers.

5277 (d) (1) The Department of Energy and Environmental Protection
5278 shall conduct an uncontested proceeding to approve, with any
5279 amendments it determines necessary, a procurement plan submitted
5280 pursuant to subsection (a) of this section.

5281 (2) The Department of Energy and Environmental Protection shall
5282 report annually in accordance with the provisions of section 11-4a to
5283 the joint standing committee of the General Assembly having
5284 cognizance of matters relating to energy regarding the procurement
5285 plan and its implementation.

5286 Sec. 92. (NEW) (*Effective July 1, 2011*) Upon the request of an electric
5287 distribution company, the Department of Energy and Environmental
5288 Protection Bureau of Public Utility Control shall initiate a docket to
5289 consider the buy down of an electric distribution company's current
5290 standard service contract to reduce ratepayer bills and conduct a cost
5291 benefit analysis of such a buydown. If the department, as a result of
5292 such docket, determines such a buydown is in the best interest of
5293 ratepayers, the company shall proceed with such buydown.

5294 Sec. 93. (NEW) (*Effective July 1, 2011*) On or before January 1, 2012,
5295 and from time to time thereafter, as the Department of Energy and
5296 Environmental Protection determines to be in the best interests of
5297 Connecticut customers, the department shall initiate a generation
5298 evaluation and procurement process. The evaluation process shall
5299 entail a nonbinding prequalification process to identify potentially
5300 eligible new generators. Interested generators shall submit to the
5301 department information demonstrating how the generator will reduce
5302 electrical rates for Connecticut ratepayers while maintaining or
5303 improving reliability, improving environmental characteristics of the
5304 Connecticut generation fleet and providing economic benefit to

5305 Connecticut. A determination of eligibility shall be based on a showing
5306 of project attributes, including, but not limited to, ratepayer,
5307 environmental and economic benefits, as well as a demonstration of
5308 reasonable certainty of completion of development, construction and
5309 permitting activities. If the department makes a determination of
5310 eligibility of one or more generators, it shall issue a request for
5311 proposals to consider bilateral purchasing contracts from new
5312 generators by pricing such electricity on a cost-of-service basis, power
5313 purchase agreement or other mechanism the department determines to
5314 be in the best interest of Connecticut customers, which contracts shall
5315 directly or indirectly, or in combination with other initiatives, provide
5316 electricity at lower rates for Connecticut consumers. Such contracts
5317 shall be for a term of not less than five and not more than twenty years
5318 and shall provide that development, construction and operation risk
5319 be borne by the generator. Generators shall be awarded contracts
5320 based on criteria, including, but not limited to, reduction of rates,
5321 generator's heat rate, decrease in regulated pollution and cost-
5322 effectiveness.

5323 Sec. 94. (NEW) (*Effective July 1, 2011*) A public service company, as
5324 defined in section 16-1 of the general statutes, a municipal waterworks
5325 system established under chapter 102 of the general statutes, a district,
5326 metropolitan district, municipal district or special services district
5327 established under chapter 105 or 105a of the general statutes, any other
5328 general statute or any public or special act, which is authorized to
5329 supply water, or any other waterworks system owned, leased,
5330 maintained, operated, managed or controlled by any unit of local
5331 government under any general statute or any public or special act, or a
5332 contractor of such entity, that cuts and permanently patches a public
5333 highway in the course of repairs or installations shall, one year after
5334 such permanent patch is made, (1) inspect such permanent patch, (2)
5335 make any additional repairs as may be necessary, and (3) certify to the
5336 municipality in which such patch is located that such patch meets
5337 generally accepted standards of repair. Any municipality may, by vote
5338 of its legislative body, elect not to enforce the requirements of this

5339 section.

5340 Sec. 95. (NEW) (*Effective July 1, 2011*) The Department of Energy and
5341 Environmental Protection shall review any proposed merchant
5342 transmission line project (1) in which a Connecticut electric
5343 distribution company may have a financial interest, or (2) that may be
5344 constructed in whole or in part in this state to determine whether to
5345 procure transmission services from such transmission lines at a rate
5346 that will lower electricity rates for Connecticut consumers.

5347 Sec. 96. Subsection (a) of section 16-50r of the general statutes is
5348 repealed and the following is substituted in lieu thereof (*Effective July*
5349 *1, 2011*):

5350 (a) Every person engaged in electric transmission services, as
5351 defined in section 16-1, electric generation services, as defined in said
5352 section, or electric distribution services, as defined in said section
5353 generating electric power in the state utilizing a generating facility
5354 with a capacity greater than one megawatt, shall, annually, on or
5355 before March first, file a report on a forecast of loads and resources
5356 which may consist of an update of the previous year's report with the
5357 [council] siting council for its review. The report shall cover the ten-
5358 year forecast period beginning with the year of the report. Upon
5359 request, the report shall be made available to the public. The report
5360 shall include, as applicable: (1) A tabulation of estimated peak loads,
5361 resources and margins for each year; (2) data on energy use and peak
5362 loads for the five preceding calendar years; (3) a list of existing
5363 generating facilities in service; (4) a list of scheduled generating
5364 facilities for which property has been acquired, for which certificates
5365 have been issued and for which certificate applications have been filed;
5366 (5) a list of planned generating units at plant locations for which
5367 property has been acquired, or at plant locations not yet acquired, that
5368 will be needed to provide estimated additional electrical requirements,
5369 and the location of such facilities; (6) a list of planned transmission
5370 lines on which proposed route reviews are being undertaken or for
5371 which certificate applications have already been filed; (7) a description

5372 of the steps taken to upgrade existing facilities and to eliminate
5373 overhead transmission and distribution lines in accordance with the
5374 regulations and standards described in section 16-50t; and (8) for each
5375 private power producer having a facility generating more than one
5376 megawatt and from whom the person furnishing the report has
5377 purchased electricity during the preceding calendar year, a statement
5378 including the name, location, size and type of generating facility, the
5379 fuel consumed by the facility and the by-product of the consumption.
5380 On and after March 1, 2012, each such report from a person engaged in
5381 electric transmission services or electric distribution services, as
5382 defined in section 16-1, shall identify any potential reliability concerns
5383 during the forecast period and such person shall provide such
5384 information to the Commissioner of Energy and Environmental
5385 Protection. Confidential, proprietary or trade secret information
5386 provided under this section may be submitted under a duly granted
5387 protective order. The council may adopt regulations, in accordance
5388 with the provisions of chapter 54, that specify the expected filing
5389 requirements for persons that transmit electric power in the state,
5390 electric distribution companies, and persons that generate electric
5391 power in the state utilizing a generating facility with a capacity of
5392 greater than one megawatt. Until such regulations are adopted,
5393 persons that transmit electric power in the state shall file reports
5394 pursuant to this section that include the information requested in
5395 subdivisions (6) and (7) of this subsection; electric distribution
5396 companies in the state shall file reports pursuant to this section that
5397 include the information requested in subdivisions (1), (2), (7) and (8) of
5398 this subsection; persons that generate electric power in the state
5399 utilizing a generating facility with a capacity greater than one
5400 megawatt shall file reports pursuant to this section that include the
5401 information requested in subdivisions (3), (4), (5) and (8) of this
5402 subsection. The council shall hold a public hearing on such filed
5403 forecast reports annually. The council shall conduct a review in an
5404 executive session of any confidential, proprietary or trade secret
5405 information submitted under a protective order during such a hearing.
5406 At least one session of such hearing shall be held after six-thirty p.m.

5407 Upon reviewing such forecast reports, the council may issue its own
5408 report assessing the overall status of loads and resources in the state. If
5409 the council issues such a report, it shall be made available to the public
5410 and shall be furnished to each member of the joint standing committee
5411 of the General Assembly having cognizance of matters relating to
5412 energy and technology, any other member of the General Assembly
5413 making a written request to the council for the report and such other
5414 state and municipal bodies as the council may designate.

5415 Sec. 97. (NEW) (*Effective July 1, 2011*) On or after March 1, 2012, and
5416 annually thereafter, not later than fifteen days after receiving a report
5417 of a reliability concern pursuant to section 16-50r of the general
5418 statutes, as amended by this act, the Commissioner of Energy and
5419 Environmental Protection may issue a request for proposal to seek
5420 alternative solutions to the concern. Such request for proposal shall,
5421 where relevant, solicit proposals that include energy efficiency
5422 measures or generation. The commissioner shall publish such request
5423 for proposal in one or more newspapers or periodicals.
5424 Notwithstanding the provisions of this section, the commissioner may
5425 determine that a request for proposal is unnecessary. Any
5426 determination that a request for proposal is not required shall include
5427 the commissioner's reasons for such determination.

5428 Sec. 98. Section 16-245n of the general statutes is repealed and the
5429 following is substituted in lieu thereof (*Effective July 1, 2011*):

5430 (a) For purposes of this section, ["renewable energy"] "clean energy"
5431 means solar photovoltaic energy, solar thermal, geothermal energy,
5432 wind, ocean thermal energy, wave or tidal energy, fuel cells, landfill
5433 gas, hydropower that meets the low-impact standards of the Low-
5434 Impact Hydropower Institute, hydrogen production and hydrogen
5435 conversion technologies, low emission advanced biomass conversion
5436 technologies, alternative fuels, used for electricity generation including
5437 ethanol, biodiesel or other fuel produced in Connecticut and derived
5438 from agricultural produce, food waste or waste vegetable oil, provided
5439 the Commissioner of Energy and Environmental Protection determines

5440 that such fuels provide net reductions in greenhouse gas emissions
5441 and fossil fuel consumption, usable electricity from combined heat and
5442 power systems with waste heat recovery systems, thermal storage
5443 systems, [and] other energy resources and emerging technologies
5444 which have significant potential for commercialization and which do
5445 not involve the combustion of coal, petroleum or petroleum products,
5446 municipal solid waste or nuclear fission, financing of energy efficiency
5447 projects, and projects that seek to deploy electric, electric hybrid,
5448 natural gas or alternative fuel vehicles and associated infrastructure
5449 and any related storage, distribution, manufacturing technologies or
5450 facilities.

5451 (b) On and after July 1, 2004, the [Department of Public Utility
5452 Control] Public Utilities Regulatory Authority shall assess or cause to
5453 be assessed a charge of not less than one mill per kilowatt hour
5454 charged to each end use customer of electric services in this state
5455 which shall be deposited into the [Renewable] Clean Energy
5456 [Investment] Fund established under subsection (c) of this section.
5457 Notwithstanding the provisions of this section, receipts from such
5458 charges shall be disbursed to the resources of the General Fund during
5459 the period from July 1, 2003, to June 30, 2005, unless the department
5460 shall, on or before October 30, 2003, issue a financing order for each
5461 affected distribution company in accordance with sections 16-245e to
5462 16-245k, inclusive, to sustain funding of renewable energy investment
5463 programs by substituting an equivalent amount, as determined by the
5464 department in such financing order, of proceeds of rate reduction
5465 bonds for disbursement to the resources of the General Fund during
5466 the period from July 1, 2003, to June 30, 2005. The department may
5467 authorize in such financing order the issuance of rate reduction bonds
5468 that substitute for disbursement to the General Fund for receipts of
5469 both charges under this subsection and subsection (a) of section 16-
5470 245m and also may in its discretion authorize the issuance of rate
5471 reduction bonds under this subsection and subsection (a) of section 16-
5472 245m that relate to more than one electric distribution company. The
5473 department shall, in such financing order or other appropriate order,

5474 offset any increase in the competitive transition assessment necessary
5475 to pay principal, premium, if any, interest and expenses of the issuance
5476 of such rate reduction bonds by making an equivalent reduction to the
5477 charges imposed under this subsection, provided any failure to offset
5478 all or any portion of such increase in the competitive transition
5479 assessment shall not affect the need to implement the full amount of
5480 such increase as required by this subsection and sections 16-245e to 16-
5481 245k, inclusive. Such financing order shall also provide if the rate
5482 reduction bonds are not issued, any unrecovered funds expended and
5483 committed by the electric distribution companies for renewable
5484 resource investment through deposits into the [Renewable] Clean
5485 Energy [Investment] Fund, provided such expenditures were
5486 approved by the department following August 20, 2003, and prior to
5487 the date of determination that the rate reduction bonds cannot be
5488 issued, shall be recovered by the companies from their respective
5489 competitive transition assessment or systems benefits charge except
5490 that such expenditures shall not exceed one million dollars per month.
5491 All receipts from the remaining charges imposed under this
5492 subsection, after reduction of such charges to offset the increase in the
5493 competitive transition assessment as provided in this subsection, shall
5494 be disbursed to the [Renewable] Clean Energy [Investment] Fund
5495 commencing as of July 1, 2003. Any increase in the competitive
5496 transition assessment or decrease in the renewable energy investment
5497 component of an electric distribution company's rates resulting from
5498 the issuance of or obligations under rate reduction bonds shall be
5499 included as rate adjustments on customer bills.

5500 (c) There is hereby created a [Renewable] Clean Energy
5501 [Investment] Fund which shall be within [Connecticut Innovations,
5502 Incorporated for administrative purposes only] the Clean Energy
5503 Finance and Investment Authority. The fund may receive any amount
5504 required by law to be deposited into the fund and may receive any
5505 federal funds as may become available to the state for [renewable]
5506 clean energy investments. Upon authorization of the [Renewable
5507 Energy Investments Board] Clean Energy Finance and Investment

5508 Authority established pursuant to subsection (d) of this section,
5509 [Connecticut Innovations, Incorporated, may use] any amount in said
5510 fund may be used for expenditures that promote investment in
5511 [renewable] clean energy [sources] in accordance with a
5512 comprehensive plan developed by it to foster the growth, development
5513 and commercialization of [renewable] clean energy sources, related
5514 enterprises and stimulate demand for [renewable] clean energy and
5515 deployment of [renewable] clean energy sources that serve end use
5516 customers in this state and for the further purpose of supporting
5517 operational demonstration projects for advanced technologies that
5518 reduce energy use from traditional sources. Such expenditures may
5519 include, but not be limited to, providing low-cost financing and credit
5520 enhancement mechanisms for clean energy projects and technologies,
5521 reimbursement [for services provided by the administrator of the fund
5522 including a management fee,] of the operating expenses, including
5523 administrative expenses incurred by the authority and the corporation,
5524 and capital costs incurred by the authority in connection with the
5525 operation of the fund, the implementation of the plan developed
5526 pursuant to subsection (d) of this section or the other permitted
5527 activities of the authority, disbursements from the fund to develop and
5528 carry out the plan developed pursuant to subsection (d) of this section,
5529 grants, direct or equity investments, contracts or other actions which
5530 support research, development, manufacture, commercialization,
5531 deployment and installation of [renewable] clean energy technologies,
5532 and actions which expand the expertise of individuals, businesses and
5533 lending institutions with regard to [renewable] clean energy
5534 technologies.

5535 (d) [There is hereby created a Renewable Energy Investments Board
5536 to act on matters related to the Renewable Energy Investment Fund,
5537 including, but not limited to, development of a comprehensive plan
5538 and expenditure of funds. The Renewable Energy Investments Board
5539 shall, in such plan, give preference to projects that maximize the
5540 reduction of federally mandated congestion charges. The Renewable
5541 Energy Investments Board shall make a draft of the comprehensive

5542 plan available for public comment for not less than thirty days. The
5543 board shall conduct three public hearings in three different regions of
5544 the state on the draft comprehensive plan and shall include a
5545 summarization of all public comments received at said public hearings
5546 in the final comprehensive plan approved by the board. The board
5547 shall provide a copy of the comprehensive plan, in accordance with the
5548 provisions of section 11-4a, to the joint standing committees of the
5549 General Assembly having cognizance of matters relating to energy and
5550 commerce. The Department of Public Utility Control shall, in an
5551 uncontested proceeding, during which the department may hold a
5552 public hearing, approve, modify or reject the comprehensive plan
5553 prepared pursuant to this subsection.] (1) There is established the
5554 Clean Energy Finance and Investment Authority, which shall be
5555 deemed a quasi-public agency for purposes of chapters 5, 10 and 12
5556 and within Connecticut Innovations, Incorporated, for administrative
5557 purposes only. The authority shall, (A) develop separate programs to
5558 finance and otherwise support clean energy investment in residential,
5559 municipal, small business and larger commercial projects and such
5560 others as the authority may determine; (B) support financing or other
5561 expenditures that promote investment in clean energy sources in
5562 accordance with a comprehensive plan developed by it to foster the
5563 growth, development and commercialization of clean energy sources
5564 and related enterprises; and (C) stimulate demand for clean energy
5565 and the deployment of clean energy sources within the state that serve
5566 end-use customers in the state. Such authority shall constitute a
5567 successor agency to the corporation for the purposes of administrating
5568 the clean energy fund in accordance with section 4-38d. Such authority
5569 shall have all the privileges, immunities, tax exemptions and other
5570 exemptions of the corporation. Such authority shall be subject to suit
5571 and liability solely from the assets, revenues and resources of the
5572 authority and without recourse to the general funds, revenues,
5573 resources or other assets of the corporation. Such authority may
5574 assume or take title to any real property, convey or dispose of its assets
5575 and pledge its revenues to secure any borrowing, convey or dispose of
5576 its assets and pledge its revenues to secure any borrowing, for the

5577 purpose of developing, acquiring, constructing, refinancing,
5578 rehabilitating or improving its assets or supporting its programs,
5579 provided each such borrowing or mortgage, unless otherwise
5580 provided by the board or the authority, shall be a special obligation of
5581 the authority, which obligation may be in the form of bonds, bond
5582 anticipation notes or other obligations which evidence an indebtedness
5583 to the extent permitted under this chapter to fund, refinance and
5584 refund the same and provide for the rights of holders thereof, and to
5585 secure the same by pledge of revenues, notes and mortgages of others,
5586 and which shall be payable solely from the assets, revenues and other
5587 resources of the authority and in no event shall such bonds be secured
5588 by a special capital reserve fund of any kind which is in any way
5589 contributed to by the state. The authority shall have the purposes as
5590 provided by resolution of the authority's board of directors, which
5591 purposes shall be consistent with this section. No further action is
5592 required for the establishment of the authority, except the adoption of
5593 a resolution for the authority.

5594 (2) (A) The authority may seek to qualify as a Community
5595 Development Financial Institution under Section 4702 of the United
5596 States Code. If approved as a Community Development Financial
5597 Institution, the authority would be treated as a qualified community
5598 development entity for purposes of Section 45D and Section 1400N(m)
5599 of the Internal Revenue Code.

5600 (B) Before making any loan, loan guarantee, or such other form of
5601 financing support or risk management for a clean energy project, the
5602 authority shall develop standards to govern the administration of the
5603 authority through rules, policies and procedures that specify borrower
5604 eligibility, terms and conditions of support, and other relevant criteria,
5605 standards or procedures.

5606 (C) Funding sources specifically authorized include, but are not
5607 limited to:

5608 (i) Funds repurposed from existing programs providing financing

5609 support for clean energy projects, provided any transfer of funds from
5610 such existing programs shall be subject to approval by the General
5611 Assembly and shall be used for expenses of financing, grants and
5612 loans;

5613 (ii) Any federal funds that can be used for the purposes specified in
5614 subsection (c) of this section;

5615 (iii) Charitable gifts, grants, contributions as well as loans from
5616 individuals, corporations, university endowments and philanthropic
5617 foundations;

5618 (iv) Earnings and interest derived from financing support activities
5619 for clean energy projects backed by the authority;

5620 (v) If and to the extent that the authority qualifies as a Community
5621 Development Financing Institution under Section 4702 of the United
5622 States Code, funding from the Community Development Financing
5623 Institution Fund administered by the United States Department of
5624 Treasury, as well as loans from and investments by depository
5625 institutions seeking to comply with their obligations under the United
5626 States Community Reinvestment Act of 1977; and

5627 (vi) The authority may enter into contracts with private sources to
5628 raise capital. The average rate of return on such debt or equity shall be
5629 set by the authority's board of directors.

5630 (D) The authority may provide financing support under this
5631 subsection if the authority determines that the amount to be financed
5632 by the authority and other nonequity financing sources do not exceed
5633 eighty per cent of the cost to develop and deploy a clean energy project
5634 or up to one hundred per cent of the cost of financing an energy
5635 efficiency project.

5636 (E) The authority may assess reasonable fees on its financing
5637 activities to cover its reasonable costs and expenses, as determined by
5638 the board.

5639 (F) The authority shall make information regarding the rates, terms
5640 and conditions for all of its financing support transactions available to
5641 the public for inspection, including formal annual reviews by both a
5642 private auditor conducted pursuant to subdivision (2) of subsection (f)
5643 of this section and the Comptroller, and providing details to the public
5644 on the Internet; provided public disclosure shall be restricted for
5645 patentable ideas, trade secrets, proprietary or confidential commercial
5646 or financial information, disclosure of which may cause commercial
5647 harm to a nongovernmental recipient of such financing support and
5648 for other information exempt from public records disclosure pursuant
5649 to section 1-210.

5650 (3) No director, officer, employee or agent of the authority, while
5651 acting within the scope of his or her authority, shall be subject to any
5652 personal liability resulting from exercising or carrying out any of the
5653 authority's purposes or powers.

5654 (e) [The Renewable Energy Investments Board shall include not
5655 more than fifteen individuals with knowledge and experience in
5656 matters related to the purpose and activities of the Renewable Energy
5657 Investment Fund. The board shall consist of the following members:
5658 (1) One person with expertise regarding renewable energy resources
5659 appointed by the speaker of the House of Representatives; (2) one
5660 person representing a state or regional organization primarily
5661 concerned with environmental protection appointed by the president
5662 pro tempore of the Senate; (3) one person with experience in business
5663 or commercial investments appointed by the majority leader of the
5664 House of Representatives; (4) one person representing a state or
5665 regional organization primarily concerned with environmental
5666 protection appointed by the majority leader of the Senate; (5) one
5667 person with experience in business or commercial investments
5668 appointed by the minority leader of the House of Representatives; (6)
5669 the Commissioner of Emergency Management and Homeland Security
5670 or the commissioner's designee; (7) one person with expertise
5671 regarding renewable energy resources appointed by the Governor; (8)
5672 two persons with experience in business or commercial investments

5673 appointed by the board of directors of Connecticut Innovations,
5674 Incorporated; (9) a representative of a state-wide business association,
5675 manufacturing association or chamber of commerce appointed by the
5676 minority leader of the Senate; (10) the Consumer Counsel; (11) the
5677 Secretary of the Office of Policy and Management or the secretary's
5678 designee; (12) the Commissioner of Environmental Protection or the
5679 commissioner's designee; (13) a representative of organized labor
5680 appointed by the Governor; and (14) a representative of residential
5681 customers or low-income customers appointed by Governor. On a
5682 biennial basis, the board shall elect a chairperson and vice-chairperson
5683 from among its members and shall adopt such bylaws and procedures
5684 it deems necessary to carry out its functions. The board may establish
5685 committees and subcommittees as necessary to conduct its business.]
5686 The powers of the Clean Energy Finance and Investment Authority
5687 shall be vested in and exercised by a board of directors, which shall
5688 consist of eleven voting and two nonvoting members each with
5689 knowledge and expertise in matters related to the purpose and
5690 activities of the authority appointed as follows: The Treasurer or the
5691 Treasurer's designee, the Commissioner of Energy and Environmental
5692 Protection or the commissioner's designee and the Commissioner of
5693 Economic and Community Development or the commissioner's
5694 designee, each serving ex officio, one member who shall represent a
5695 residential or low-income group appointed by the speaker of the
5696 House of Representatives for a term of four years, one member who
5697 shall have experience in investment fund management appointed by
5698 the minority leader of the House of Representatives for a term of three
5699 years, one member who shall represent an environmental organization
5700 appointed by the president pro tempore of the Senate for a term of four
5701 years, and one member whom shall have experience in the finance or
5702 deployment of renewable energy appointed by the minority leader of
5703 the Senate for a term of four years. Thereafter, such members of the
5704 General Assembly shall appoint members of the board to succeed such
5705 appointees whose terms expire and each member so appointed shall
5706 hold office for a period of four years from the first day of July in the
5707 year of his or her appointment. The Governor shall appoint four

5708 members to the board as follows: Two for two years who shall have
5709 experience in the finance of renewable energy; one for four years who
5710 shall be a representative of a labor organization; and one who shall
5711 have experience in research and development or manufacturing of
5712 clean energy. Thereafter, the Governor shall appoint members of the
5713 board to succeed such appointees whose terms expire and each
5714 member so appointed shall hold office for a period of four years from
5715 the first day of July in the year of his or her appointment. The
5716 president of the authority and a member of the board of Connecticut
5717 Innovations, Incorporated, appointed by the chairperson of the
5718 corporation shall serve on the board in an ex-officio, nonvoting
5719 capacity. The Governor shall appoint the chairperson of the board.
5720 The board shall elect from its members a vice chairperson and such
5721 other officers as it deems necessary and shall adopt such bylaws and
5722 procedures it deems necessary to carry out its functions. The board
5723 may establish committees and subcommittees as necessary to conduct
5724 its business.

5725 (f) (1) The board shall issue annually a report to the [Department of
5726 Public Utility Control] Department of Energy and Environmental
5727 Protection reviewing the activities of the [Renewable Energy
5728 Investment Fund] Clean Energy Finance and Investment Authority in
5729 detail and shall provide a copy of such report, in accordance with the
5730 provisions of section 11-4a, to the joint standing committees of the
5731 General Assembly having cognizance of matters relating to energy and
5732 commerce, [and the Office of Consumer Counsel.] The report shall
5733 include a description of the programs and activities undertaken during
5734 the reporting period jointly or in collaboration with the Energy
5735 Conservation and Load Management Funds established pursuant to
5736 section 16-245m, as amended by this act.

5737 (2) The Clean Energy Fund shall be audited annually. Such audits
5738 shall be conducted with generally accepted auditing standards by
5739 independent certified public accountants certified by the Connecticut
5740 Board of Accountancy. Such accountants may be the accountants for
5741 the corporation.

5742 (3) Any entity that receives financing for a clean energy project from
5743 the fund shall provide the board an annual statement, certified as
5744 correct by the chief financial officer of the recipient of such financing,
5745 setting forth all sources and uses of funds in such detail as may be
5746 required by the authority of such project. The authority shall maintain
5747 any such audits for not less than five years. Residential projects for
5748 buildings with one to four dwelling units are exempt from this and
5749 any other annual auditing requirements, except that residential
5750 projects may be required to grant their utility companies' permission to
5751 release their usage data to the authority.

5752 (g) There shall be a joint committee of the Energy Conservation
5753 Management Board and the [Renewable Energy Investments Board]
5754 Clean Energy Finance and Investment Authority board of directors, as
5755 provided in subdivision (2) of subsection (d) of section 16-245m, as
5756 amended by this act.

5757 [(h) No later than December 31, 2006, and no later than December
5758 thirty-first every five years thereafter, the board shall, after consulting
5759 with the Energy Conservation Management Board, conduct an
5760 evaluation of the performance of the programs and activities of the
5761 fund and submit a report, in accordance with the provisions of section
5762 11-4a, of the evaluation to the joint standing committees of the General
5763 Assembly having cognizance of matters relating to energy and
5764 commerce.]

5765 Sec. 99. (NEW) (*Effective July 1, 2011*) (a) As used in this section:

5766 (1) "Energy improvements" means any renovation or retrofitting of
5767 qualifying real property to reduce energy consumption or installation
5768 of a renewable energy system to service qualifying real property,
5769 provided such renovation, retrofit or installation is permanently fixed
5770 to such qualifying real property;

5771 (2) "Qualifying real property" means a single-family or multifamily
5772 residential dwelling or a nonresidential building, regardless of
5773 ownership, that a municipality has determined can benefit from

5774 energy improvements;

5775 (3) "Property owner" means an owner of qualifying real property
5776 who desires to install energy improvements and provides free and
5777 willing consent to the contractual assessment; and

5778 (4) "Sustainable energy program" means a municipal program that
5779 authorizes a municipality to enter into contractual assessments on
5780 qualifying real property with property owners to finance the purchase
5781 and installation of energy improvements to qualifying real property
5782 within its municipal boundaries.

5783 (b) Any municipality, that determines it is in the public interest,
5784 may establish a sustainable energy program to facilitate the increase of
5785 energy efficiency and renewable energy. A municipality shall make
5786 such a determination after issuing public notice and providing an
5787 opportunity for public comment regarding the establishment of a
5788 sustainable energy program.

5789 (c) Notwithstanding the provisions of section 7-374 of the general
5790 statutes or any other public or special act that limits or imposes
5791 conditions on municipal bond issues, any municipality that establishes
5792 a sustainable energy program under this section may issue bonds, as
5793 necessary, for the purpose of financing (1) energy improvements; (2)
5794 related energy audits; and (3) renewable energy system feasibility
5795 studies and the verification of the installation of such improvements.
5796 Such financing shall be secured by special contractual assessments on
5797 the qualifying real property.

5798 (d) (1) Any municipality that establishes a sustainable energy
5799 program pursuant to this section may partner with another
5800 municipality or a state agency to (A) maximize the opportunities for
5801 accessing public funds and private capital markets for long-term
5802 sustainable financing, and (B) secure state or federal funds available
5803 for this purpose.

5804 (2) Any municipality that establishes a sustainable energy program

5805 and issues bonds pursuant to this section may supplement the security
5806 of such bonds with any other legally available funds solely at the
5807 municipality's discretion.

5808 (3) Any municipality that establishes a sustainable energy program
5809 pursuant to this section may use the services of one or more private,
5810 public or quasi-public third-party administrators to provide support
5811 for the program.

5812 (e) Before establishing a program under this section, the
5813 municipality shall provide notice to the electric distribution company,
5814 as defined in section 16-1 of the general statutes, that services the
5815 municipality.

5816 (f) If the owner of record of qualifying real property requests
5817 financing for energy improvements under this section, the
5818 municipality implementing the sustainable energy program shall:

5819 (1) Require performance of an energy audit or renewable energy
5820 system feasibility analysis on the qualifying real property before
5821 approving such financing;

5822 (2) Enter into a contractual assessment on the qualifying real
5823 property with the property owner in a principal amount sufficient to
5824 pay the costs of energy improvements and any associated costs the
5825 municipality determines will benefit the qualifying real property and
5826 may cover any associated costs;

5827 (3) Impose requirements and criteria to ensure that the proposed
5828 energy improvements are consistent with the purpose of the program;
5829 and

5830 (4) Impose requirements and conditions on the financing to ensure
5831 timely repayment, including, but not limited to, procedures for placing
5832 a lien on a property for which an owner defaults on repayment.

5833 (g) Prior to entering a contractual assessment, the municipality shall
5834 provide each property owner the following notice, which shall be set

5835 forth in at least fourteen-point bold type: SEEK LEGAL ADVICE
5836 BEFORE PARTICIPATING IN THIS LOAN PROGRAM TO ENSURE
5837 UNDERSTANDING OF POTENTIAL CONSEQUENCES,
5838 INCLUDING A POSSIBLE DEFAULT UNDER YOUR MORTGAGE.

5839 (h) Any assessment levied pursuant to this section shall have a term
5840 not to exceed the calculated payback period for the installed energy
5841 improvements, as determined by the municipality, and shall have no
5842 prepayment penalty. The municipality shall set a fixed rate of interest
5843 for the repayment of the principal assessed amount at the time the
5844 assessment is made. Such interest rate, as may be supplemented with
5845 state or federal funding as may become available, shall be sufficient to
5846 pay the financing costs of the program, including delinquencies.

5847 (i) Assessments levied pursuant to this section and the interest and
5848 any penalties thereon shall constitute a lien against the qualifying real
5849 property on which they are made until they are paid. Such lien shall be
5850 levied and collected in the same manner as the general taxes of the
5851 municipality on real property, including, in the event of default or
5852 delinquency, with respect to any penalties and remedies and lien
5853 priorities, provided such lien shall not have priority over any prior
5854 mortgages.

5855 (j) The area encompassing the sustainable energy program in a
5856 municipality may be the entire municipal jurisdiction of the
5857 municipality or a subset of such.

5858 Sec. 100. (NEW) (*Effective July 1, 2011*) Before approving any plan for
5859 energy conservation and load management and renewable energy
5860 projects issued to it by the Energy Conservation and Management
5861 Board, the board of directors of the Clean Energy Finance and
5862 Investment Authority or an electric distribution company, the
5863 Department of Energy and Environmental Protection shall determine
5864 that an equitable amount of the funds administered by each such
5865 board are to be deployed among small and large customers with a
5866 maximum average monthly peak demand of one hundred kilowatts in

5867 census tracts in which the median income is not more than sixty per
5868 cent of the state median income. The department shall determine such
5869 equitable share and such projects may include a mentoring component
5870 for such communities. On and after January 1, 2012, and annually
5871 thereafter, the department shall report, in accordance with the
5872 provisions of section 11-4a of the general statutes, to the joint standing
5873 committee of the General Assembly having cognizance of matters
5874 relating to energy regarding the distribution of funds to such
5875 communities.

5876 Sec. 101. Section 16a-48 of the general statutes is repealed and the
5877 following is substituted in lieu thereof (*Effective July 1, 2011*):

5878 (a) As used in this section:

5879 (1) ["Office" means the Office of Policy and Management]
5880 "Department" means the Department of Energy and Environmental
5881 Protection;

5882 (2) "Fluorescent lamp ballast" or "ballast" means a device designed
5883 to operate fluorescent lamps by providing a starting voltage and
5884 current and limiting the current during normal operation, but does not
5885 include such devices that have a dimming capability or are intended
5886 for use in ambient temperatures of zero degrees Fahrenheit or less or
5887 have a power factor of less than sixty-one hundredths for a single
5888 F40T12 lamp;

5889 (3) "F40T12 lamp" means a tubular fluorescent lamp that is a
5890 nominal forty-watt lamp, with a forty-eight-inch tube length and one
5891 and one-half inches in diameter;

5892 (4) "F96T12 lamp" means a tubular fluorescent lamp that is a
5893 nominal seventy-five-watt lamp with a ninety-six-inch tube length and
5894 one and one-half inches in diameter;

5895 (5) "Luminaire" means a complete lighting unit consisting of a
5896 fluorescent lamp, or lamps, together with parts designed to distribute

5897 the light, to position and protect such lamps, and to connect such
5898 lamps to the power supply;

5899 (6) "New product" means a product that is sold, offered for sale, or
5900 installed for the first time and specifically includes floor models and
5901 demonstration units;

5902 (7) ["Secretary" means the Secretary of the Office of Policy and
5903 Management] "Commissioner" means the Commissioner of Energy
5904 and Environmental Protection;

5905 (8) "State Building Code" means the building code adopted
5906 pursuant to section 29-252;

5907 (9) "Torchiere lighting fixture" means a portable electric lighting
5908 fixture with a reflector bowl giving light directed upward so as to give
5909 indirect illumination;

5910 (10) "Unit heater" means a self-contained, vented fan-type
5911 commercial space heater that uses natural gas or propane and that is
5912 designed to be installed without ducts within the heated space. "Unit
5913 heater" does not include a product regulated by federal standards
5914 pursuant to 42 USC 6291, as amended from time to time, a product that
5915 is a direct vent, forced flue heater with a sealed combustion burner, or
5916 any oil fired heating system;

5917 (11) "Transformer" means a device consisting of two or more coils of
5918 insulated wire that transfers alternating current by electromagnetic
5919 induction from one coil to another in order to change the original
5920 voltage or current value;

5921 (12) "Low-voltage dry-type transformer" means a transformer that:
5922 (A) Has an input voltage of six hundred volts or less; (B) is between
5923 fourteen kilovolt-amperes and two thousand five hundred one
5924 kilovolt-amperes in size; (C) is air-cooled; and (D) does not use oil as a
5925 coolant. "Low-voltage dry-type transformer" does not include such
5926 transformers excluded from the low-voltage dry-type distribution

5927 transformer definition contained in the California Code of Regulations,
5928 Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency
5929 Regulations;

5930 (13) "Pass-through cabinet" means a refrigerator or freezer with
5931 hinged or sliding doors on both the front and rear of the refrigerator or
5932 freezer;

5933 (14) "Reach-in cabinet" means a refrigerator, freezer, or combination
5934 thereof, with hinged or sliding doors or lids;

5935 (15) "Roll-in" or "roll-through cabinet" means a refrigerator or
5936 freezer with hinged or sliding doors that allows wheeled racks of
5937 product to be rolled into or through the refrigerator or freezer;

5938 (16) "Commercial refrigerators and freezers" means reach-in
5939 cabinets, pass-through cabinets, roll-in cabinets and roll-through
5940 cabinets that have less than eighty-five feet of capacity, which are
5941 designed for the refrigerated or frozen storage of food and food
5942 products;

5943 (17) "Traffic signal module" means a standard eight-inch or twelve-
5944 inch round traffic signal indicator consisting of a light source, lens and
5945 all parts necessary for operation and communication of movement
5946 messages to drivers through red, amber and green colors;

5947 (18) "Illuminated exit sign" means an internally illuminated sign that
5948 is designed to be permanently fixed in place and used to identify an
5949 exit by means of a light source that illuminates the sign or letters from
5950 within where the background of the exit sign is not transparent;

5951 (19) "Packaged air-conditioning equipment" means air-conditioning
5952 equipment that is built as a package and shipped as a whole to end-
5953 user sites;

5954 (20) "Large packaged air-conditioning equipment" means air-cooled
5955 packaged air-conditioning equipment having not less than two
5956 hundred forty thousand BTUs per hour of capacity;

5957 (21) "Commercial clothes washer" means a soft mount front-loading
5958 or soft mount top-loading clothes washer that is designed for use in
5959 (A) applications where the occupants of more than one household will
5960 be using it, such as in multifamily housing common areas and coin
5961 laundries; or (B) other commercial applications, if the clothes container
5962 compartment is no greater than three and one-half cubic feet for
5963 horizontal-axis clothes washers or no greater than four cubic feet for
5964 vertical-axis clothes washers;

5965 (22) "Energy efficiency ratio" means a measure of the relative
5966 efficiency of a heating or cooling appliance that is equal to the unit's
5967 output in BTUs per hour divided by its consumption of energy,
5968 measured in watts;

5969 (23) "Electricity ratio" means the ratio of furnace electricity use to
5970 total furnace energy use;

5971 (24) "Boiler" means a space heater that is a self-contained appliance
5972 for supplying steam or hot water primarily intended for space-heating.
5973 "Boiler" does not include hot water supply boilers;

5974 (25) "Central furnace" means a self-contained space heater designed
5975 to supply heated air through ducts of more than ten inches in length;

5976 (26) "Residential furnace or boiler" means a product that utilizes
5977 only single-phase electric current or single-phase electric current or DC
5978 current in conjunction with natural gas, propane or home heating oil
5979 and that (A) is designed to be the principal heating source for the
5980 living space of a residence; (B) is not contained within the same cabinet
5981 as a central air conditioner with a rated cooling capacity of not less
5982 than sixty-five thousand BTUs per hour; (C) is an electric central
5983 furnace, electric boiler, forced-air central furnace, gravity central
5984 furnace or low pressure steam or hot water boiler; and (D) has a heat
5985 input rate of less than three hundred thousand BTUs per hour for an
5986 electric boiler and low pressure steam or hot water boiler and less than
5987 two hundred twenty-five thousand BTUs per hour for a forced-air
5988 central furnace, gravity central furnace and electric central furnace;

5989 (27) "Furnace air handler" means the section of the furnace that
5990 includes the fan, blower and housing, generally upstream of the
5991 burners and heat exchanger. The furnace air handler may include a
5992 filter and a cooling coil;

5993 (28) "High-intensity discharge lamp" means a lamp in which light is
5994 produced by the passage of an electric current through a vapor or gas,
5995 the light-producing arc is stabilized by bulb wall temperature and the
5996 arc tube has a bulb wall loading in excess of three watts per square
5997 centimeter;

5998 (29) "Metal halide lamp" means a high intensity discharge lamp in
5999 which the major portion of the light is produced by radiation of metal
6000 halides and their products of dissociation, possibly in combination
6001 with metallic vapors;

6002 (30) "Metal halide lamp fixture" means a light fixture designed to be
6003 operated with a metal halide lamp and a ballast for a metal halide
6004 lamp;

6005 (31) "Probe start metal halide ballast" means a ballast used to
6006 operate metal halide lamps that does not contain an ignitor and that
6007 instead starts lamps by using a third starting electrode probe in the arc
6008 tube;

6009 (32) "Single voltage external AC to DC power supply" means a
6010 device that (A) is designed to convert line voltage AC input into lower
6011 voltage DC output; (B) is able to convert to only one DC output voltage
6012 at a time; (C) is sold with, or intended to be used with, a separate end-
6013 use product that constitutes the primary power load; (D) is contained
6014 within a separate physical enclosure from the end-use product; (E) is
6015 connected to the end-use product in a removable or hard-wired male
6016 and female electrical connection, cable, cord or other wiring; (F) does
6017 not have batteries or battery packs, including those that are removable
6018 or that physically attach directly to the power supply unit; (G) does not
6019 have a battery chemistry or type selector switch and indicator light or a
6020 battery chemistry or type selector switch and a state of charge meter;

6021 and (H) has a nameplate output power less than or equal to two
6022 hundred fifty watts;

6023 (33) "State regulated incandescent reflector lamp" means a lamp that
6024 is not colored or designed for rough or vibration service applications,
6025 has an inner reflective coating on the outer bulb to direct the light, has
6026 an E26 medium screw base, a rated voltage or voltage range that lies at
6027 least partially within one hundred fifteen to one hundred thirty volts,
6028 and that falls into one of the following categories: (A) A bulged
6029 reflector or elliptical reflector or a blown PAR bulb shape and that has
6030 a diameter that equals or exceeds two and one-quarter inches, or (B) a
6031 reflector, parabolic aluminized reflector, bulged reflector or similar
6032 bulb shape and that has a diameter of two and one-quarter to two and
6033 three-quarters inches. "State regulated incandescent reflector lamp"
6034 does not include ER30, BR30, BR40 and ER40 lamps of not more than
6035 fifty watts, BR30, BR40 and ER40 lamps of sixty-five watts and R20
6036 lamps of not more than forty-five watts;

6037 (34) "Bottle-type water dispenser" means a water dispenser that uses
6038 a bottle or reservoir as the source of potable water;

6039 (35) "Commercial hot food holding cabinet" means a heated, fully-
6040 enclosed compartment with one or more solid or partial glass doors
6041 that is designed to maintain the temperature of hot food that has been
6042 cooked in a separate appliance. "Commercial hot food holding cabinet"
6043 does not include heated glass merchandizing cabinets, drawer
6044 warmers or cook-and-hold appliances;

6045 (36) "Pool heater" means an appliance designed for heating
6046 nonpotable water contained at atmospheric pressure for swimming
6047 pools, spas, hot tubs and similar applications, including natural gas,
6048 heat pump, oil and electric resistance pool heaters;

6049 (37) "Portable electric spa" means a factory-built electric spa or hot
6050 tub supplied with equipment for heating and circulating water;

6051 (38) "Residential pool pump" means a pump used to circulate and

6052 filter pool water to maintain clarity and sanitation;

6053 (39) "Walk-in refrigerator" means a space refrigerated to
6054 temperatures at or above thirty-two degrees Fahrenheit that has a total
6055 chilled storage area of less than three thousand square feet, can be
6056 walked into and is designed for the refrigerated storage of food and
6057 food products. "Walk-in refrigerator" does not include refrigerated
6058 warehouses and products designed and marketed exclusively for
6059 medical, scientific or research purposes;

6060 (40) "Walk-in freezer" means a space refrigerated to temperatures
6061 below thirty-two degrees Fahrenheit that has a total chilled storage
6062 area of less than three thousand square feet, can be walked into and is
6063 designed for the frozen storage of food and food products. "Walk-in
6064 freezer" does not include refrigerated warehouses and products
6065 designed and marketed exclusively for medical, scientific or research
6066 purposes;

6067 (41) "Central air conditioner" means a central air conditioning model
6068 that consists of one or more factory-made assemblies, which normally
6069 include an evaporator or cooling coil, compressor and condenser.
6070 Central air conditioning models may provide the function of air
6071 cooling, air cleaning, dehumidifying or humidifying.

6072 (b) The provisions of this section apply to the testing, certification
6073 and enforcement of efficiency standards for the following types of new
6074 products sold, offered for sale or installed in the state: (1) Commercial
6075 clothes washers; (2) commercial refrigerators and freezers; (3)
6076 illuminated exit signs; (4) large packaged air-conditioning equipment;
6077 (5) low voltage dry-type distribution transformers; (6) torchiere
6078 lighting fixtures; (7) traffic signal modules; (8) unit heaters; (9)
6079 residential furnaces and boilers; (10) residential pool pumps; (11) metal
6080 halide lamp fixtures; (12) single voltage external AC to DC power
6081 supplies; (13) state regulated incandescent reflector lamps; (14) bottle-
6082 type water dispensers; (15) commercial hot food holding cabinets; (16)
6083 portable electric spas; (17) walk-in refrigerators and walk-in freezers;

6084 (18) pool heaters; and (19) any other products as may be designated by
6085 the [office] department in accordance with subdivision (3) of
6086 subsection (d) of this section.

6087 (c) The provisions of this section do not apply to (1) new products
6088 manufactured in the state and sold outside the state, (2) new products
6089 manufactured outside the state and sold at wholesale inside the state
6090 for final retail sale and installation outside the state, (3) products
6091 installed in mobile manufactured homes at the time of construction, or
6092 (4) products designed expressly for installation and use in recreational
6093 vehicles.

6094 (d) (1) The [office, in consultation with the Department of Public
6095 Utility Control,] department shall adopt regulations, in accordance
6096 with the provisions of chapter 54, to implement the provisions of this
6097 section and to establish minimum energy efficiency standards for the
6098 types of new products set forth in subsection (b) of this section. The
6099 regulations shall provide for the following minimum energy efficiency
6100 standards:

6101 (A) Commercial clothes washers shall meet the requirements shown
6102 in Table P-3 of section 1605.3 of the California Code of Regulations,
6103 Title 20: Division 2, Chapter 4, Article 4;

6104 (B) Commercial refrigerators and freezers shall meet the August 1,
6105 2004, requirements shown in Table A-6 of said California regulation;

6106 (C) Illuminated exit signs shall meet the version 2.0 product
6107 specification of the "Energy Star Program Requirements for Exit Signs"
6108 developed by the United States Environmental Protection Agency;

6109 (D) Large packaged air-conditioning equipment having not more
6110 than seven hundred sixty thousand BTUs per hour of capacity shall
6111 meet a minimum energy efficiency ratio of 10.0 for units using both
6112 electric heat and air conditioning or units solely using electric air
6113 conditioning, and 9.8 for units using both natural gas heat and electric
6114 air conditioning;

6115 (E) Large packaged air-conditioning equipment having not less than
6116 seven hundred sixty-one thousand BTUs per hour of capacity shall
6117 meet a minimum energy efficiency ratio of 9.7 for units using both
6118 electric heat and air conditioning or units solely using electric air
6119 conditioning, and 9.5 for units using both natural gas heat and electric
6120 air conditioning;

6121 (F) Low voltage dry-type distribution transformers shall meet or
6122 exceed the energy efficiency values shown in Table 4-2 of the National
6123 Electrical Manufacturers Association Standard TP-1-2002;

6124 (G) Torchiere lighting fixtures shall not consume more than one
6125 hundred ninety watts and shall not be capable of operating with lamps
6126 that total more than one hundred ninety watts;

6127 (H) Traffic signal modules shall meet the product specification of
6128 the "Energy Star Program Requirements for Traffic Signals" developed
6129 by the United States Environmental Protection Agency that took effect
6130 in February, 2001, except where the department, in consultation with
6131 the Commissioner of Transportation, determines that such
6132 specification would compromise safe signal operation;

6133 (I) Unit heaters shall not have pilot lights and shall have either
6134 power venting or an automatic flue damper;

6135 (J) On or after January 1, 2009, residential furnaces and boilers
6136 purchased by the state shall meet or exceed the following annual fuel
6137 utilization efficiency: (i) For gas and propane furnaces, ninety per cent
6138 annual fuel utilization efficiency, (ii) for oil furnaces, eighty-three per
6139 cent annual fuel utilization efficiency, (iii) for gas and propane hot
6140 water boilers, eighty-four per cent annual fuel utilization efficiency,
6141 (iv) for oil-fired hot water boilers, eighty-four per cent annual fuel
6142 utilization efficiency, (v) for gas and propane steam boilers, eighty-two
6143 per cent annual fuel utilization efficiency, (vi) for oil-fired steam
6144 boilers, eighty-two per cent annual fuel utilization efficiency, and (vii)
6145 for furnaces with furnace air handlers, an electricity ratio of not more
6146 than 2.0, except air handlers for oil furnaces with a capacity of less than

6147 ninety-four thousand BTUs per hour shall have an electricity ratio of
6148 2.3 or less;

6149 (K) On or after January 1, 2010, metal halide lamp fixtures designed
6150 to be operated with lamps rated greater than or equal to one hundred
6151 fifty watts but less than or equal to five hundred watts shall not
6152 contain a probe-start metal halide lamp ballast;

6153 (L) Single-voltage external AC to DC power supplies manufactured
6154 on or after January 1, 2008, shall meet the energy efficiency standards
6155 of table U-1 of section 1605.3 of the January 2006 California Code of
6156 Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance
6157 Efficiency Regulations. This standard applies to single voltage AC to
6158 DC power supplies that are sold individually and to those that are sold
6159 as a component of or in conjunction with another product. This
6160 standard shall not apply to single voltage external AC to DC power
6161 supplies sold with products subject to certification by the United States
6162 Food and Drug Administration. A single-voltage external AC to DC
6163 power supply that is made available by a manufacturer directly to a
6164 consumer or to a service or repair facility after and separate from the
6165 original sale of the product requiring the power supply as a service
6166 part or spare part shall not be required to meet the standards in said
6167 table U-1 until five years after the effective dates indicated in the table;

6168 (M) On or after January 1, 2009, state regulated incandescent
6169 reflector lamps shall be manufactured to meet the minimum average
6170 lamp efficacy requirements for federally-regulated incandescent
6171 reflector lamps contained in 42 USC 6295(i)(1)(A). Each lamp shall
6172 indicate the date of manufacture;

6173 (N) On or after January 1, 2009, bottle-type water dispensers,
6174 commercial hot food holding cabinets, portable electric spas, walk-in
6175 refrigerators and walk-in freezers shall meet the efficiency
6176 requirements of section 1605.3 of the January 2006 California Code of
6177 Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance
6178 Efficiency Regulations. On or after January 1, 2010, residential pool

6179 pumps shall meet said efficiency requirements;

6180 (O) On or after January 1, 2009, pool heaters shall meet the
6181 efficiency requirements of sections 1605.1 and 1605.3 of the January
6182 2006 California Code of Regulations, Title 20, Division 2, Chapter 4,
6183 Article 4: Appliance Efficiency Regulations.

6184 (2) Such efficiency standards, where in conflict with the State
6185 Building Code, shall take precedence over the standards contained in
6186 the Building Code. Not later than July 1, 2007, and biennially
6187 thereafter, the [office, in consultation with the Department of Public
6188 Utility Control,] department shall review and increase the level of such
6189 efficiency standards by adopting regulations in accordance with the
6190 provisions of chapter 54 upon a determination that increased efficiency
6191 standards would serve to promote energy conservation in the state and
6192 would be cost-effective for consumers who purchase and use such new
6193 products, provided no such increased efficiency standards shall
6194 become effective within one year following the adoption of any
6195 amended regulations providing for such increased efficiency
6196 standards.

6197 (3) (A) The [office, in consultation with the Department of Public
6198 Utility Control,] department shall adopt regulations, in accordance
6199 with the provisions of chapter 54, to designate additional products to
6200 be subject to the provisions of this section and to establish efficiency
6201 standards for such products upon a determination that such efficiency
6202 standards (A) would serve to promote energy conservation in the state,
6203 (B) would be cost-effective for consumers who purchase and use such
6204 new products, and (C) that multiple products are available which meet
6205 such standards, provided no such efficiency standards shall become
6206 effective within one year following their adoption pursuant to this
6207 subdivision.

6208 (e) On or after July 1, 2006, except for commercial clothes washers,
6209 for which the date shall be July 1, 2007, commercial refrigerators and
6210 freezers, for which the date shall be July 1, 2008, and large packaged

6211 air-conditioning equipment, for which the date shall be July 1, 2009, no
6212 new product of a type set forth in subsection (b) of this section or
6213 designated by the [office] department may be sold, offered for sale, or
6214 installed in the state unless the energy efficiency of the new product
6215 meets or exceeds the efficiency standards set forth in such regulations
6216 adopted pursuant to subsection (d) of this section.

6217 (f) The [office, in consultation with the Department of Public Utility
6218 Control,] department shall adopt procedures for testing the energy
6219 efficiency of the new products set forth in subsection (b) of this section
6220 or designated by the department if such procedures are not provided
6221 for in the State Building Code. The [office] department shall use United
6222 States Department of Energy approved test methods, or in the absence
6223 of such test methods, other appropriate nationally recognized test
6224 methods. The manufacturers of such products shall cause samples of
6225 such products to be tested in accordance with the test procedures
6226 adopted pursuant to this subsection or those specified in the State
6227 Building Code.

6228 (g) Manufacturers of new products set forth in subsection (b) of this
6229 section or designated by the [office] department shall certify to the
6230 [secretary] commissioner that such products are in compliance with
6231 the provisions of this section, except that certification is not required
6232 for single voltage external AC to DC power supplies and walk-in
6233 refrigerators and walk-in freezers. All single voltage external AC to DC
6234 power supplies shall be labeled as described in the January 2006
6235 California Code of Regulations, Title 20, Section 1607 (9). The [office, in
6236 consultation with the Department of Public Utility Control,]
6237 department shall promulgate regulations governing the certification of
6238 such products. The [secretary] commissioner shall publish an annual
6239 list of such products.

6240 (h) The Attorney General may institute proceedings to enforce the
6241 provisions of this section. Any person who violates any provision of
6242 this section shall be subject to a civil penalty of not more than two
6243 hundred fifty dollars. Each violation of this section shall constitute a

6244 separate offense, and each day that such violation continues shall
6245 constitute a separate offense.

6246 Sec. 102. (*Effective July 1, 2011*) (a) The Clean Energy Finance and
6247 Investment Authority shall on or before March 1, 2012, establish a
6248 three-year pilot program to promote the development of new
6249 combined heat and power projects in Connecticut that are below two
6250 megawatts in capacity size. The program established pursuant to this
6251 section shall not exceed fifty megawatts. The authority shall set one or
6252 more standardized grant amounts, loan amounts and power purchase
6253 agreements for such projects to limit the administrative burden of
6254 project approvals for the authority and the project proponent,
6255 including, but not limited to, a per kilowatt cost of up to three hundred
6256 fifty dollars. Such standardized provisions shall seek to minimize costs
6257 for the general class of ratepayers, ensuring that the project developer
6258 has a significant share of the financial burden and risk, while ensuring
6259 the development of projects that benefit Connecticut's economy,
6260 ratepayers, and environment. The authority may in its discretion
6261 decline to support a proposed project if the benefits of such project to
6262 Connecticut's ratepayers, economy and environment, including
6263 emissions reductions, are too meager to justify ratepayer or taxpayer
6264 investment.

6265 (b) The Clean Energy Finance and Investment Authority shall
6266 establish a three-year pilot program to support through loans, grants
6267 or power purchase agreements sustainable practices and economic
6268 prosperity of Connecticut farms and other businesses by using organic
6269 waste with on-site anaerobic digestion facilities to generate electricity
6270 and heat. As part of the pilot program, the authority may approve no
6271 more than five projects, each of which shall have a maximum size of
6272 one thousand five hundred kilowatts at a cost of four hundred fifty
6273 dollars per kilowatt.

6274 (c) On or before January 1, 2016, the authority shall report, in
6275 accordance with the provisions of section 11-4a of the general statutes,
6276 to the joint standing committee of the General Assembly having

6277 cognizance of matters relating to energy regarding the program
6278 established pursuant to this section and whether such program should
6279 continue.

6280 (d) The Clean Energy Finance and Investment Authority shall
6281 allocate four million dollars annually from the Clean Energy Fund,
6282 provided two million dollars shall be allocated for combined heat and
6283 power projects and two million dollars shall be allocated for anaerobic
6284 digestion projects.

6285 Sec. 103. Subsection (g) of section 16-245 of the general statutes is
6286 repealed and the following is substituted in lieu thereof (*Effective July*
6287 *1, 2011*):

6288 (g) As conditions of continued licensure, in addition to the
6289 requirements of subsection (c) of this section: (1) The licensee shall
6290 comply with the National Labor Relations Act and regulations, if
6291 applicable; (2) the licensee shall comply with the Connecticut Unfair
6292 Trade Practices Act and applicable regulations; (3) each generating
6293 facility operated by or under long-term contract to the licensee shall
6294 comply with regulations adopted by the Commissioner of Energy and
6295 Environmental Protection, pursuant to section 22a-174j; (4) the licensee
6296 shall comply with the portfolio standards, pursuant to section 16-245a;
6297 (5) the licensee shall be a member of the New England Power Pool or
6298 its successor or have a contractual relationship with one or more
6299 entities who are members of the New England Power Pool or its
6300 successor and the licensee shall comply with the rules of the regional
6301 independent system operator and standards and any other reliability
6302 guidelines of the regional independent systems operator; (6) the
6303 licensee shall agree to cooperate with the department and other electric
6304 suppliers in the event of an emergency condition that may jeopardize
6305 the safety and reliability of electric service; (7) the licensee shall comply
6306 with the code of conduct established pursuant to section 16-244h; (8)
6307 for a license to a participating municipal electric utility, the licensee
6308 shall provide open and nondiscriminatory access to its distribution
6309 facilities to other licensed electric suppliers; (9) the licensee or the

entity or entities with whom the licensee has a contractual relationship to purchase power shall be in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission; (10) each generating facility operated by or under long-term contract to the licensee shall be in compliance with chapter 277a and state environmental laws and regulations; (11) the licensee shall comply with the renewable portfolio standards established in section 16-245a; (12) the licensee shall offer a time-of-use price option to customers. Such option shall include a two-part price that is designed to achieve an overall minimization of customer bills by encouraging the reduction of consumption during the most energy intense hours of the day. The licensee shall file its time-of-use rates with the Public Utilities Regulatory Authority; and ~~[(12)]~~ (13) the licensee shall acknowledge that it is subject to chapters 208, 212, 212a and 219, as applicable, and the licensee shall pay all taxes it is subject to in this state. Also as a condition of licensure, the department shall prohibit each licensee from declining to provide service to customers for the reason that the customers are located in economically distressed areas. The department may establish additional reasonable conditions to assure that all retail customers will continue to have access to electric generation services.

Sec. 104. (NEW) (*Effective July 1, 2011*) The Department of Energy and Environmental Protection shall require each electric distribution company to notify its customers on an ongoing basis regarding the availability of time-of-use meters, if applicable.

Sec. 105. (NEW) (*Effective July 1, 2011*) (a) The Clean Energy Finance and Investment Authority established pursuant to section 16-245n of the general statutes, as amended by this act, shall structure and implement a residential solar investment program established pursuant to this section, which shall result in a minimum of thirty megawatts of new residential solar photovoltaic installations located in this state on or before December 31, 2022, the annual procurement of which shall be determined by the authority and the cost of which shall not exceed one-third of the total surcharge collected annually pursuant

6344 to said section 16-245n.

6345 (b) The Clean Energy Finance and Investment Authority shall offer
6346 direct financial incentives, in the form of performance-based incentives
6347 or expected performance-based buydowns, for the purchase or lease of
6348 qualifying residential solar photovoltaic systems. For the purposes of
6349 this section, "performance-based incentives" means incentives paid out
6350 on a per kilowatt-hour basis, and "expected performance-based
6351 buydowns" means incentives paid out as a one-time upfront incentive
6352 based on expected system performance. The authority shall consider
6353 willingness to pay studies and verified solar photovoltaic system
6354 characteristics, such as operational efficiency, size, location, shading
6355 and orientation, when determining the type and amount of incentive.
6356 Notwithstanding the provisions of subdivision (1) of subsection (j) of
6357 section 16-244c of the general statutes, as amended by this act, the
6358 amount of renewable energy produced from Class I renewable energy
6359 sources receiving tariff payments or included in utility rates under this
6360 section shall be applied to reduce the electric distribution company's
6361 Class I renewable energy source portfolio standard. Customers who
6362 receive expected performance-based buydowns under this section
6363 shall not be eligible for a credit pursuant to section 16-243b of the
6364 general statutes.

6365 (c) Beginning with the comprehensive plan covering the period
6366 from July 1, 2011, to June 30, 2013, the Clean Energy Finance and
6367 Investment Authority shall develop and publish in each such plan a
6368 proposed schedule for the offering of performance-based incentives or
6369 expected performance-based buydowns over the duration of any such
6370 solar incentive program. Such schedule shall: (1) Provide for a series of
6371 solar capacity blocks the combined total of which shall be a minimum
6372 of thirty megawatts and projected incentive levels for each such block;
6373 (2) provide incentives that are sufficient to meet reasonable payback
6374 expectations of the residential consumer, taking into consideration the
6375 estimated cost of residential solar installations, the value of the energy
6376 offset by the system and the availability and estimated value of other
6377 incentives, including, but not limited to, federal and state tax

6378 incentives and revenues from the sale of solar renewable energy
6379 credits; (3) provide incentives that decline over time and will foster the
6380 sustained, orderly development of a state-based solar industry; (4)
6381 automatically adjust to the next block once the board has issued
6382 reservations for financial incentives provided pursuant to this section
6383 from the board fully committing the target solar capacity and available
6384 incentives in that block; and (5) provide comparable economic
6385 incentives for the purchase or lease of qualifying residential solar
6386 photovoltaic systems. The authority may retain the services of a third-
6387 party entity with expertise in the area of solar energy program design
6388 to assist in the development of the incentive schedule or schedules.
6389 The Department of Energy and Environmental Protection shall review
6390 and approve such schedule. Nothing in this subsection shall restrict
6391 the authority from modifying the approved incentive schedule before
6392 the issuance of its next comprehensive plan to account for changes in
6393 federal or state law or regulation or developments in the solar market
6394 when such changes would affect the expected return on investment for
6395 a typical residential solar photovoltaic system by twenty per cent or
6396 more.

6397 (d) The Clean Energy Finance and Investment Authority shall
6398 establish and periodically update program guidelines, including, but
6399 not limited to, requirements for systems and program participants
6400 related to: (1) Eligibility criteria; (2) standards for deployment of
6401 energy efficient equipment or building practices as a condition for
6402 receiving incentive funding; (3) procedures to provide reasonable
6403 assurance that such reservations are made and incentives are paid out
6404 only to qualifying residential solar photovoltaic systems
6405 demonstrating a high likelihood of being installed and operated as
6406 indicated in application materials; and (4) reasonable protocols for the
6407 measurement and verification of energy production.

6408 (e) The Clean Energy Finance and Investment Authority shall
6409 maintain on its web site the schedule of incentives, solar capacity
6410 remaining in the current block and available funding and incentive
6411 estimators.

6412 (f) Funding for the residential performance-based incentive
6413 program and expected performance-based buydowns shall be
6414 apportioned from the moneys collected under the surcharge specified
6415 in section 16-245n of the general statutes, as amended by this act,
6416 provided such apportionment shall not exceed one-third of the total
6417 surcharge collected annually, and supplemented by federal funding as
6418 may become available.

6419 (g) The Clean Energy Finance and Investment Authority shall
6420 identify barriers to the development of a permanent Connecticut-based
6421 solar workforce and shall make provision for comprehensive training,
6422 accreditation and certification programs through institutions and
6423 individuals accredited and certified to national standards.

6424 (h) On or before January 1, 2014, and every two years thereafter for
6425 the duration of the program, the Clean Energy Finance and Investment
6426 Authority shall report to the joint standing committee of the General
6427 Assembly having cognizance of matters relating to energy on progress
6428 toward the goals identified in subsection (a) of this section.

6429 Sec. 106. (NEW) (*Effective October 1, 2011*) The Clean Energy Finance
6430 and Investment Authority created pursuant to section 16-245n of the
6431 general statutes, as amended by this act, in consultation with the
6432 Department of Energy and Environmental Protection, shall establish a
6433 program to be known as the "condominium renewable energy grant
6434 program". Under such program, the board shall provide grants to
6435 residential condominium associations and residential condominium
6436 owners, within available funds, for purchasing clean energy sources,
6437 including solar energy, geothermal energy and fuel cells or other
6438 energy-efficient hydrogen-fueled energy.

6439 Sec. 107. (NEW) (*Effective July 1, 2011*) (a) On or before June 30, 2012,
6440 the Department of Energy and Environmental Protection shall conduct
6441 a proceeding regarding development of low-income discounted rates
6442 for service provided by electric distribution and gas companies, as
6443 defined in section 16-1 of the general statutes, to low-income

6444 customers with an annual income that does not exceed sixty per cent of
6445 median income. Such proceeding shall include, but not be limited to, a
6446 review, for individuals who receive means-tested assistance
6447 administered by the state or federal governments, of the current and
6448 future availability of rate discounts through the department's
6449 electricity purchasing pool operated pursuant to section 16a-14e of the
6450 general statutes, energy assistance benefits available through any plan
6451 adopted pursuant to section 16a-41a of the general statutes, state
6452 funded or administered programs, conservation assistance available
6453 pursuant to section 16-245m of the general statutes, as amended by this
6454 act, assistance funded or administered by said department or the
6455 Department of Social Services, or matching payment program benefits
6456 available pursuant to subsection (b) of section 16-262c of the general
6457 statutes, as amended by this act. The department shall (1) coordinate
6458 resources and programs, to the extent practicable; (2) develop rates
6459 that take into account the indigency of persons of poverty status and
6460 allow such persons' households to meet the costs of essential energy
6461 needs; (3) require the households to have a home energy audit paid
6462 from the Energy Efficiency Fund as a prerequisite to qualification; (4)
6463 prepare an analysis of the benefits and anticipated costs of such low-
6464 income discounted rates; and (5) review utility rate discount policies or
6465 programs in other states.

6466 (b) The department shall determine which, if any, of its programs
6467 shall be modified, terminated or have their funding reduced because
6468 such program beneficiaries would benefit more by the establishment of
6469 a low-income or discount rate. The department shall establish a rate
6470 reduction that is equal to the anticipated funds transferred from the
6471 programs modified, terminated or reduced by the department
6472 pursuant to this section and the reduced cost of providing service to
6473 those eligible for such discounted or low-income rates, any available
6474 energy assistance and other sources of coverage for such rates,
6475 including, but not limited to, generation available through the
6476 electricity purchasing pool operated by the department. The
6477 department may issue recommendations regarding programs

6478 administered by the Department of Social Services.

6479 (c) The department shall order (1) filing by each electric distribution
6480 company of proposed rates consistent with the department's decision
6481 pursuant to subsection (a) of this section not later than sixty days after
6482 its issuance; and (2) appropriate modification of existing low-income
6483 programs.

6484 (d) The cost of low-income and discounted rates and related
6485 outreach activities pursuant to this section shall be paid (1) through the
6486 normal rate-making procedures of the department, (2) on a semiannual
6487 basis through the systems benefits charge for an electric distribution
6488 company, and (3) solely from the funds of the programs modified,
6489 terminated or reduced by the department pursuant to this section and
6490 the reduced cost of providing service to those eligible for such
6491 discounted or low-income rates, any available energy assistance and
6492 other sources of coverage for such rates, including, but not limited to,
6493 generation available through the electricity purchasing pool operated
6494 by the department.

6495 (e) On or before February 1, 2012, the department shall report, in
6496 accordance with section 11-4a of the general statutes, to the joint
6497 standing committee of the General Assembly having cognizance of
6498 matters relating to energy regarding the benefits and costs of the low-
6499 income or discounted rates established pursuant to subsection (a) of
6500 this section, including, but not limited to, possible impacts on existing
6501 customers who qualify for state assistance, and any recommended
6502 modifications. If the low-income rate is not less than ninety per cent of
6503 the standard service rate, the department shall include in its report
6504 steps to achieve that goal.

6505 Sec. 108. Section 16-245o of the general statutes is repealed and the
6506 following is substituted in lieu thereof (*Effective July 1, 2011*):

6507 (a) To protect a customer's right to privacy from unwanted
6508 solicitation, each electric company or electric distribution company, as
6509 the case may be, shall distribute to each customer a form approved by

6510 the Department of [Public Utility Control] Energy and Environmental
6511 Protection which the customer shall submit to the customer's electric
6512 or electric distribution company in a timely manner if the customer
6513 does not want the customer's name, address, telephone number and
6514 rate class to be released to electric suppliers. On and after July 1, 1999,
6515 each electric or electric distribution company, as the case may be, shall
6516 make available to all electric suppliers customer names, addresses,
6517 telephone numbers, if known, and rate class, unless the electric
6518 company or electric distribution company has received a form from a
6519 customer requesting that such information not be released. Additional
6520 information about a customer for marketing purposes shall not be
6521 released to any electric supplier unless a customer consents to a release
6522 by one of the following: (1) An independent third-party telephone
6523 verification; (2) receipt of a written confirmation received in the mail
6524 from the customer after the customer has received an information
6525 package confirming any telephone agreement; (3) the customer signs a
6526 document fully explaining the nature and effect of the release; or (4)
6527 the customer's consent is obtained through electronic means,
6528 including, but not limited to, a computer transaction.

6529 (b) All electric suppliers shall have equal access to customer
6530 information required to be disclosed under subsection (a) of this
6531 section. No electric supplier shall have preferential access to historical
6532 distribution company customer usage data.

6533 (c) No electric or electric distribution company shall include in any
6534 bill or bill insert anything that directly or indirectly promotes a
6535 generation entity or affiliate of the electric distribution company. No
6536 electric supplier shall include a bill insert in an electric bill of an
6537 electric distribution company.

6538 (d) All marketing information provided pursuant to the provisions
6539 of this section shall be formatted electronically by the electric company
6540 or electric distribution company, as the case may be, in a form that is
6541 readily usable by standard commercial software packages. Updated
6542 lists shall be made available within a reasonable time, as determined

6543 by the department, following a request by an electric supplier. Each
6544 electric supplier seeking the information shall pay a fee to the electric
6545 company or electric distribution company, as the case may be, which
6546 reflects the incremental costs of formatting, sorting and distributing
6547 this information, together with related software changes. Customers
6548 shall be entitled to any available individual information about their
6549 loads or usage at no cost.

6550 (e) Each electric supplier shall, prior to the initiation of electric
6551 generation services, provide the potential customer with a written
6552 notice describing the rates, information on air emissions and resource
6553 mix of generation facilities operated by and under long-term contract
6554 to the supplier, terms and conditions of the service, and a notice
6555 describing the customer's right to cancel the service, as provided in this
6556 section. No electric supplier shall provide electric generation services
6557 unless the customer has signed a service contract or consents to such
6558 services by one of the following: (1) An independent third-party
6559 telephone verification; (2) receipt of a written confirmation received in
6560 the mail from the customer after the customer has received an
6561 information package confirming any telephone agreement; (3) the
6562 customer signs a [document fully explaining the nature and effect of
6563 the initiation of the service] contract that conforms with the provisions
6564 of this section; or (4) the customer's consent is obtained through
6565 electronic means, including, but not limited to, a computer transaction.
6566 Each electric supplier shall provide each customer with a demand of
6567 less than one hundred kilowatts, a written contract that conforms with
6568 the provisions of this section and maintain records of such signed
6569 service contract or consent to service for a period of not less than two
6570 years from the date of expiration of such contract, which records shall
6571 be provided to the department or the customer upon request. Each
6572 contract for electric generation services shall contain all material terms
6573 of the agreement, a clear and conspicuous statement explaining the
6574 rates that such customer will be paying, including the circumstances
6575 under which the rates may change, a statement that provides specific
6576 directions to the customer as to how to compare the price term in the

6577 contract to the customer's existing electric generation service charge on
6578 the electric bill and how long those rates are guaranteed. Such contract
6579 shall also include a clear and conspicuous statement providing the
6580 customer's right to cancel such contract not later than three days after
6581 signature or receipt in accordance with the provisions of this
6582 subsection, describing under what circumstances, if any, the supplier
6583 may terminate the contract and describing any penalty for early
6584 termination of such contract. Each contract shall be signed by the
6585 customer, or otherwise agreed to in accordance with the provisions of
6586 this subsection. A customer who has a maximum demand of five
6587 hundred kilowatts or less shall, until midnight of the third business
6588 day after the latter of the day on which the customer enters into a
6589 service agreement or the day on which the customer receives the
6590 written contract from the electric supplier as provided in this section,
6591 have the right to cancel a contract for electric generation services
6592 entered into with an electric supplier.

6593 [(f) An electric supplier shall not advertise or disclose the price of
6594 electricity in such a manner as to mislead a reasonable person into
6595 believing that the electric generation services portion of the bill will be
6596 the total bill amount for the delivery of electricity to the customer's
6597 location. When advertising or disclosing the price for electricity, the
6598 electric supplier shall also disclose the electric distribution company's
6599 average current charges, including the competitive transition
6600 assessment and the systems benefits charge, for that customer class.]

6601 (f) (1) Any third-party agent who contracts with or is otherwise
6602 compensated by an electric supplier to sell electric generation services
6603 shall be a legal agent of the electric supplier. No third-party agent may
6604 sell electric generation services on behalf of an electric supplier unless
6605 (A) the third-party agent is an employee or independent contractor of
6606 such electric supplier, and (B) the third-party agent has received
6607 appropriate training directly from such electric supplier.

6608 (2) On or after July 1, 2011, all sales and solicitations of electric
6609 generation services by an electric supplier, aggregator or agent of an

6610 electric supplier or aggregator to a customer with a maximum demand
6611 of one hundred kilowatts or less conducted and consummated entirely
6612 by mail, door-to-door sale, telephone or other electronic means, during
6613 a scheduled appointment at the premises of a customer or at a fair,
6614 trade or business show, convention or exposition in addition to
6615 complying with the provisions of subsection (e) of this section shall:

6616 (A) For any sale or solicitation, including from any person
6617 representing such electric supplier, aggregator or agent of an electric
6618 supplier or aggregator (i) identify the person and the electric
6619 generation services company or companies the person represents; (ii)
6620 provide a statement that the person does not represent an electric
6621 distribution company; (iii) explain the purpose of the solicitation; and
6622 (iv) explain all rates, fees, variable charges and terms and conditions
6623 for the services provided; and

6624 (B) For door-to-door sales to customers with a maximum demand of
6625 one hundred kilowatts, which shall include the sale of electric
6626 generation services in which the electric supplier, aggregator or agent
6627 of an electric supplier or aggregator solicits the sale and receives the
6628 customer's agreement or offer to purchase at a place other than the
6629 seller's place of business, be conducted (i) in accordance with any
6630 municipal and local ordinances regarding door-to-door solicitations,
6631 (ii) between the hours of ten o'clock a.m. and six o'clock p.m. unless the
6632 customer schedules an earlier or later appointment, and (iii) with both
6633 English and Spanish written materials available. Any representative of
6634 an electric supplier, aggregator or agent of an electric supplier or
6635 aggregator shall prominently display or wear a photo identification
6636 badge stating the name of such person's employer or the electric
6637 supplier the person represents.

6638 (3) No electric supplier, aggregator or agent of an electric supplier
6639 or aggregator shall advertise or disclose the price of electricity to
6640 mislead a reasonable person into believing that the electric generation
6641 services portion of the bill will be the total bill amount for the delivery
6642 of electricity to the customer's location. When advertising or disclosing

6643 the price for electricity, the electric supplier, aggregator or agent of an
6644 electric supplier or aggregator shall also disclose the electric
6645 distribution company's current charges, including the competitive
6646 transition assessment and the systems benefits charge, for that
6647 customer class.

6648 (4) No entity, including an aggregator or agent of an electric
6649 supplier or aggregator, who sells or offers for sale any electric
6650 generation services for or on behalf of an electric supplier, shall engage
6651 in any deceptive acts or practices in the marketing, sale or solicitation
6652 of electric generation services.

6653 (5) Each electric supplier shall disclose to the Public Utilities
6654 Regulatory Authority in a standardized format (A) the amount of
6655 additional renewable energy credits such supplier will purchase
6656 beyond required credits, (B) where such additional credits are being
6657 sourced from, and (C) the types of renewable energy sources that will
6658 be purchased. Each electric supplier shall only advertise renewable
6659 energy credits purchased beyond those required pursuant to section
6660 16-245a and shall report to the authority the renewable energy sources
6661 of such credits and whenever the mix of such sources changes.

6662 (6) No contract for electric generation services by an electric supplier
6663 shall require a residential customer to pay any fee for termination or
6664 early cancellation of a contract in excess of (A) one hundred dollars; or
6665 (B) twice the estimated bill for energy services for an average month,
6666 whichever is less, provided when an electric supplier offers a contract,
6667 it provides the residential customer an estimate of such customer's
6668 average monthly bill.

6669 (7) An electric supplier shall not make a material change in the
6670 terms or duration of any contract for the provision of electric
6671 generation services by an electric supplier without the express consent
6672 of the customer. Nothing in this subdivision shall restrict an electric
6673 supplier from renewing a contract by clearly informing the customer,
6674 in writing, not less than thirty days nor more than sixty days before the

6675 renewal date, of the renewal terms and of the option not to accept the
6676 renewal offer, provided no fee pursuant to subdivision (6) of this
6677 section shall be charged to a customer who terminates or cancels such
6678 renewal not later than seven business days after receiving the first
6679 billing statement for the renewed contract.

6680 (8) Each electric supplier shall file annually with the authority a list
6681 of any aggregator or agent working on behalf of such supplier.

6682 (g) Each electric supplier, aggregator or agent of an electric supplier
6683 or aggregator shall comply with the provisions of the telemarketing
6684 regulations adopted pursuant to 15 USC 6102.

6685 (h) Any violation of this section shall be deemed an unfair or
6686 deceptive trade practice under subsection (a) of section 42-110b. Any
6687 contract for electric generation services that the authority finds to be
6688 the product of unfair or deceptive marketing practices or in material
6689 violation of the provisions of this section shall be void and
6690 unenforceable. Any waiver of the provisions of this section by a
6691 customer of electric generation services shall be deemed void and
6692 unenforceable by the electric supplier.

6693 (i) Any violation or failure to comply with any provision of this
6694 section shall be subject to (1) civil penalties by the department in
6695 accordance with section 16-41, (2) the suspension or revocation of an
6696 electric supplier or aggregator's license, or (3) a prohibition on
6697 accepting new customers following a hearing that is conducted as a
6698 contested case in accordance with chapter 54.

6699 (j) The department may adopt regulations, in accordance with the
6700 provisions of chapter 54, to include, but not be limited to, abusive
6701 switching practices, solicitations and renewals by electric suppliers.

6702 Sec. 109. Section 16-245d of the general statutes is repealed and the
6703 following is substituted in lieu thereof (*Effective July 1, 2011*):

6704 (a) The Department of [Public Utility Control] Energy and

6705 Environmental Protection shall, by regulations adopted pursuant to
6706 chapter 54, develop a standard billing format that enables customers to
6707 compare pricing policies and charges among electric suppliers. [Not
6708 later than January 1, 2006, the] The department shall adopt regulations,
6709 in accordance with the provisions of chapter 54, to provide that an
6710 electric supplier, until July 1, 2012, may provide direct billing and
6711 collection services for electric generation services and related federally
6712 mandated congestion charges that such supplier provides to its
6713 customers [that have] with a maximum demand of not less than one
6714 hundred kilowatts [and] that choose to receive a bill directly from such
6715 supplier and, on and after July 1, 2012, shall provide direct billing and
6716 collection services for electric generation services and related federally
6717 mandated congestion charges that such suppliers provide to their
6718 customers or may choose to obtain such billing and collection service
6719 through an electric distribution company and pay its pro rata share in
6720 accordance with the provisions of subsection (h) of section 16-244c, as
6721 amended by this act. Any customer of an electric supplier, which is
6722 choosing to provide direct billing, who paid for the cost of billing and
6723 other services to an electric distribution company shall receive a credit
6724 on their monthly bill.

6725 (1) An electric supplier that chooses to provide billing and collection
6726 services shall, in accordance with the billing format developed by the
6727 department, include the following information in each customer's bill:
6728 (A) The total amount owed by the customer, which shall be itemized to
6729 show (i) the electric generation services component and any additional
6730 charges imposed by the electric supplier, and (ii) federally mandated
6731 congestion charges applicable to the generation services; (B) any
6732 unpaid amounts from previous bills, which shall be listed separately
6733 from current charges; (C) the rate and usage for the current month and
6734 each of the previous twelve months in bar graph form or other visual
6735 format; (D) the payment due date; (E) the interest rate applicable to
6736 any unpaid amount; (F) the toll-free telephone number of the Public
6737 Utilities Regulatory Authority for questions or complaints; and (G) the
6738 toll-free telephone number and address of the electric supplier. On or

6739 before February 1, 2012, the authority shall conduct a review of the
6740 costs and benefits of suppliers billing for all components of electric
6741 service, and report, in accordance with the provisions of section 11-4a,
6742 to the joint standing committee of the General Assembly having
6743 cognizance of matters relating to energy regarding the results of such
6744 review.

6745 (2) An [electric company,] electric distribution company [or electric
6746 supplier that provides direct billing of the electric generation service
6747 component and related federally mandated congestion charges, as the
6748 case may be,] shall, in accordance with the billing format developed by
6749 the [department] authority, include the following information in each
6750 customer's bill: [, as appropriate: (1)] (A) The total amount owed by the
6751 customer, which shall be itemized to show, [(A)] (i) the electric
6752 generation services component [and any additional charges imposed
6753 by the electric supplier, if applicable, (B)] if the customer obtains
6754 standard service or last resort service from the electric distribution
6755 company, (ii) the distribution charge, including all applicable taxes
6756 and the systems benefits charge, as provided in section 16-245l, [(C)]
6757 (iii) the transmission rate as adjusted pursuant to subsection (d) of
6758 section 16-19b, [(D)] (iv) the competitive transition assessment, as
6759 provided in section 16-245g, [(E)] (v) federally mandated congestion
6760 charges, and [(F)] (vi) the conservation and renewable energy charge,
6761 consisting of the conservation and load management program charge,
6762 as provided in section 16-245m, as amended by this act, and the
6763 renewable energy investment charge, as provided in section 16-245n,
6764 as amended by this act; [(2)] (B) any unpaid amounts from previous
6765 bills which shall be listed separately from current charges; [(3)] (C)
6766 except for customers subject to a demand charge, the rate and usage
6767 for the current month and each of the previous twelve months in the
6768 form of a bar graph or other visual form; [(4)] (D) the payment due
6769 date; [(5)] (E) the interest rate applicable to any unpaid amount; [(6)]
6770 (F) the toll-free telephone number of the electric distribution company
6771 to report power losses; [(7)] (G) the toll-free telephone number of the
6772 Department of Public Utility Control for questions or complaints; [(8)

6773 the toll-free telephone number and address of the electric supplier; and
6774 (9)] and (H) if a customer has a demand of five hundred kilowatts or
6775 less during the preceding twelve months, a statement about the
6776 availability of information concerning electric suppliers pursuant to
6777 section 16-245p.

6778 (b) The regulations shall provide guidelines for determining until
6779 October 1, 2011, the billing relationship between the electric
6780 distribution company and electric suppliers, including, but not limited
6781 to, the allocation of partial bill payments and late payments between
6782 the electric distribution company and the electric supplier. An electric
6783 distribution company that provides billing services for an electric
6784 supplier shall be entitled to recover from the electric supplier all
6785 reasonable transaction costs to provide such billing services as well as
6786 a reasonable rate of return, in accordance with the principles in
6787 subsection (a) of section 16-19e.

6788 Sec. 110. (NEW) (*Effective July 1, 2011*) The Commissioner of Energy
6789 and Environmental Protection shall administer a federally-
6790 appropriated weatherization assistance program to provide, within
6791 available appropriations, weatherization assistance in accordance with
6792 the provisions of the state plan implementing the weatherization
6793 assistance block grant program authorized by the federal Low-Income
6794 Home Energy Assistance Act of 1981 and programs of weatherization
6795 assistance with funds authorized by the federal Low-Income Home
6796 Energy Assistance Act of 1981 and by the United States Department of
6797 Energy in accordance with 10 CFR Part 440 promulgated under Title
6798 IV of the Energy Conservation and Production Act, as amended, and
6799 oil settlement funds in accordance with subsections (b) and (c) of
6800 section 4-28 of the general statutes. The commissioner shall adopt
6801 regulations in accordance with the provisions of chapter 54 of the
6802 general statutes, (1) establishing priorities for determining which
6803 households shall receive such weatherization assistance, (2) requiring
6804 that such weatherization assistance for energy conservation measures
6805 other than the retrofitting of heating systems be provided only for any
6806 dwelling unit for which an energy audit has been conducted in

6807 accordance with the provisions of sections 16a-45a to 16a-46c,
6808 inclusive, of the general statutes, (3) requiring that the only criterion
6809 for determining which energy conservation measures shall be
6810 implemented pursuant to this subsection in any such dwelling unit
6811 shall be the simple payback calculated for each energy conservation
6812 measure recommended in the energy audit conducted for such unit, (4)
6813 establishing the maximum allowable payback period for such energy
6814 conservation measures, and (5) establishing conditions for the waiver
6815 of the provisions of subdivisions (1) to (4), inclusive, of this subsection
6816 in the event of emergencies. The programs provided for under this
6817 subsection shall include a program of weatherization assistance for
6818 emergency shelters for homeless individuals and victims of domestic
6819 violence. The commissioner may adopt regulations, in accordance with
6820 the provisions of chapter 54 of the general statutes, to implement and
6821 administer the program of weatherization assistance for emergency
6822 shelters.

6823 Sec. 111. (NEW) (*Effective July 1, 2011*) (a) On or before October 1,
6824 2011, the Department of Energy and Environmental Protection shall
6825 establish a residential heating equipment financing program. Such
6826 program shall allow residential customers to finance, through on-bill
6827 financing or other mechanism, the installation of energy efficient
6828 natural gas or heating oil burners, boilers and furnaces to replace (1)
6829 burners, boilers and furnaces that are not less than seven years old
6830 with an efficiency rating of not more than seventy-five per cent, or (2)
6831 electric heating systems. Eligible fuel oil furnaces shall have an
6832 efficiency rating of not less than eighty-six per cent. An eligible fuel oil
6833 burner shall have an efficiency rating of not less than eighty-six per
6834 cent with temperature reset controls. An eligible natural gas boiler
6835 shall have an annual fuel utilization efficiency rating of not less than
6836 ninety per cent and an eligible natural gas furnace shall have an annual
6837 fuel utilization efficiency rating of not less than ninety-five per cent. To
6838 participate in the program established pursuant to this subsection, a
6839 customer shall first have a home energy audit, the cost of which may
6840 be financed pursuant to subsection (b) of this section.

6841 (b) Any customer who participates in the financing program
6842 established pursuant to this section may repay such financing as part
6843 of such customer's monthly gas or electric distribution company bill.
6844 Said program may be funded by the residential financing program
6845 offered by the Energy Efficiency Fund or the Clean Energy Fund
6846 established pursuant to section 16-245n of the general statutes, as
6847 amended by this act.

6848 (c) "Eligible entity" means (1) any residential, commercial,
6849 institutional or industrial customer of an electric distribution company
6850 or natural gas company, as defined in section 16-1 of the general
6851 statutes, as amended by this act, who employs or installs an eligible in-
6852 state energy savings technology, (2) an energy service company
6853 certified as a Connecticut electric efficiency partner by the Department
6854 of Energy and Environmental Protection, or (3) an installer certified by
6855 the Clean Energy Finance and Investment Authority.

6856 (d) "Energy savings infrastructure" means tangible equipment,
6857 installation, labor, cost of engineering, permits, application fees and
6858 other reasonable costs incurred by eligible entities for operating
6859 eligible in-state energy savings technologies designed to reduce
6860 electricity consumption, natural gas consumption, heating oil
6861 consumption or promote combined heat and power systems.

6862 (e) The Department of Energy and Environmental Protection shall
6863 establish an energy savings infrastructure pilot program consisting of
6864 financial incentives for the installation of combined heat and power
6865 systems, energy efficient heating oil burners, boilers and furnaces and
6866 natural gas boilers and furnaces by eligible entities. On or before June
6867 30, 2014, the department shall evaluate the efficacy of the program
6868 established pursuant to this section.

6869 (f) On or before October 1, 2011, the department shall begin
6870 accepting applications for financial incentives for combined heat and
6871 power systems of not more than one megawatt of power. To qualify
6872 for such financial incentives, such combined heat and power system

6873 shall reduce energy costs at an amount equal to or greater than the
6874 amount of the installation cost of the system within ten years of the
6875 installation. The department shall review the current market
6876 conditions for such systems, including any existing federal or state
6877 financial incentives, and determine the appropriate financial incentives
6878 under this program necessary to encourage installation of such
6879 systems. These financial incentives may include providing private
6880 financial institutions with loan loss protection or grants to lower
6881 borrowing costs. Financial incentives pursuant to this subdivision shall
6882 not exceed two hundred dollars per kilowatt. A project accepted for
6883 such incentives shall qualify for a waiver of (1) the backup power rate
6884 under section 16-243o of the general statutes, and (2) the requirement
6885 to provide baseload electricity under section 16-243i of the general
6886 statutes. Any purchase of natural gas for any combined heat and
6887 power system installed pursuant to this subdivision shall not include a
6888 distribution charge pursuant to section 16-243l of the general statutes.

6889 (g) On or before December 31, 2011, the department shall begin
6890 accepting applications for financial incentives for the installation of
6891 more efficient fuel oil and natural gas boilers and furnaces that replace
6892 existing boilers or furnaces that are not less than seven years old with
6893 an efficiency rating of not more than seventy-five per cent. A
6894 qualifying fuel oil furnace shall have an efficiency rating of not less
6895 than eighty-six per cent. A qualifying fuel oil boiler shall have an
6896 efficiency rating of not less than eighty-six per cent with temperature
6897 reset controls. A qualifying natural gas boiler shall have an annual fuel
6898 utilization efficiency rating of not less than ninety per cent and a
6899 qualifying natural gas furnace shall have an annual fuel utilization
6900 efficiency rating of not less than ninety-five per cent. The department
6901 shall review the current market conditions for such systems and
6902 equipment upgrades, including, but not limited to, any existing federal
6903 or state financial incentives, and establish the appropriate financial
6904 incentives under this program necessary to encourage such upgrades.
6905 Financial incentives shall provide private financial institutions with
6906 loan loss protection or grants to lower borrowing costs and, if the

6907 department deems it necessary, grants to the lending financial
6908 institution to lower borrowing costs and allow for a ten-year loan.
6909 Such financial incentive package shall ensure that the annual loan
6910 payment by the applicant shall be at not more than the projected
6911 annual energy savings less one hundred dollars. Any loan provided as
6912 a financial incentive pursuant to this subsection shall include the cost
6913 of any related incentives, as determined by the department. The
6914 department shall arrange with an electric distribution or gas company
6915 to provide for payment of any loan made as financial assistance under
6916 this subsection through the loan recipient's monthly electric or gas bill,
6917 as applicable.

6918 (h) Eligible entities seeking a loan under the loan program
6919 established in this section shall (1) contract with Connecticut-based
6920 licensed contractors, installers or tradesmen for the installation of an
6921 eligible in-state energy savings technology; (2) provide evidence of the
6922 cost of purchase and installation of the eligible in-state energy savings
6923 technology; and (3) periodically provide evidence of the operation and
6924 functionality of the eligible in-state energy savings technology to
6925 ensure that such technology is operating as intended during the term
6926 of the loan.

6927 (i) The department shall develop a prescriptive one-page loan
6928 application. Such application shall include, but not be limited to: (1)
6929 Detailed information, specifications and documentation of the eligible
6930 in-state energy technology's installed costs and projected energy
6931 savings, and (2) for requests for loans in excess of one hundred
6932 thousand dollars, certification by a licensed professional engineer,
6933 licensed contractor, installer or tradesman with a state license held in
6934 good standing.

6935 (j) On or before October 1, 2011, the department shall establish a
6936 plan that includes procedures and parameters for its energy savings
6937 infrastructure pilot program established pursuant to this section.

6938 (k) On or before October 1, 2014, the department shall, in

6939 accordance with the provisions of section 11-4a of the general statutes,
6940 report to the joint standing committee of the General Assembly having
6941 cognizance of matters relating to energy with regard to the projects
6942 assisted by the energy savings infrastructure pilot program established
6943 pursuant to this section, the amount of public funding, the energy
6944 savings from the technologies installed and any recommendations for
6945 changes to the program, including, but not limited to, incentives that
6946 encourage consumers to install more efficient fuel oil and natural gas
6947 boilers and furnaces prior to failure or gross inefficiency of their
6948 current heating system.

6949 Sec. 112. Section 16-245z of the general statutes is repealed and the
6950 following is substituted in lieu thereof (*Effective July 1, 2011*):

6951 Not later than October 1, 2005, the Department of [Public Utility
6952 Control] Energy and Environmental Protection and the Energy
6953 Conservation Management Board, established in section 16-245m, as
6954 amended by this act, shall establish links on their Internet web sites to
6955 the Energy Star program or successor program that promotes energy
6956 efficiency and each electric distribution company shall establish a link
6957 under its conservation programs on its Internet web site to the Energy
6958 Star program or such successor program.

6959 Sec. 113. Section 16a-37u of the general statutes is repealed and the
6960 following is substituted in lieu thereof (*Effective July 1, 2011*):

6961 (a) The [Secretary of the Office of Policy and Management]
6962 Commissioner of Energy and Environmental Protection shall be
6963 responsible for planning and managing energy use in state-owned and
6964 leased buildings and shall establish a program to maximize the
6965 efficiency with which energy is utilized in such buildings. The
6966 [secretary] commissioner shall exercise this authority by (1) preparing
6967 and implementing annual and long-range plans, with timetables,
6968 establishing goals for reducing state energy consumption and, based
6969 on energy audits, specific objectives for state agencies to meet the
6970 performance standards adopted under section 16a-38; (2) coordinating

6971 federal and state energy conservation resources and activities,
6972 including but not limited to, those required to be performed by other
6973 state agencies under this chapter; and (3) monitoring energy use and
6974 costs by budgeted state agencies on a monthly basis.

6975 (b) On or before July 1, 2012, the commissioner, in consultation with
6976 the Department of Administrative Services, shall develop a plan to
6977 reduce energy use in buildings owned or leased by the state by
6978 January 1, 2013, by at least ten per cent from its current consumption
6979 and by January 1, 2018, by an additional ten per cent. Such plan shall
6980 include, but not be limited to, (1) assessing current energy
6981 consumption for all fuels used in state-owned buildings, (2)
6982 identifying not less than one hundred such buildings with the highest
6983 aggregate energy costs in the fiscal year ending June 30, 2011, (3)
6984 establishing targets for conducting energy audits of such buildings,
6985 and (4) determining which energy efficiency measures are most cost-
6986 effective for such buildings. Such plan shall provide for the financing
6987 of such measures through the use of energy performance contracting,
6988 pursuant to subsection (c) of this section, bonding or other means.

6989 (c) Any state agency or municipality may enter into an energy-
6990 savings performance contract, as defined in section 118 of this act, with
6991 a qualified energy service provider, as defined in said section 118, to
6992 produce utility cost savings, as defined in said section 118, or
6993 operation and maintenance cost savings, as defined in said section 118.
6994 Any energy-savings measure, as defined in said section 118,
6995 implemented under such contracts shall comply with state or local
6996 building codes. Any state agency or municipality may implement
6997 other capital improvements in conjunction with an energy-savings
6998 performance contract so long as the measures that are being
6999 implemented to achieve utility and operation and maintenance cost
7000 savings and other capital improvements are in the aggregate cost
7001 effective over the term of the contract.

7002 (d) On or before January 1, 2013, and annually thereafter, the
7003 commissioner shall report, in accordance with the provisions of section

7004 11-4a, on the status of its implementation of the plan and provide
7005 recommendations regarding energy use in state buildings to the joint
7006 standing committee of the General Assembly having cognizance of
7007 matters relating to energy.

7008 [(b)] (e) Not later than January fifth, annually, the [Secretary of the
7009 Office of Policy and Management] commissioner shall submit a report
7010 to the Governor and the joint standing committee of the General
7011 Assembly having cognizance of matters relating to energy planning
7012 and activities. The report shall (1) indicate the total number of energy
7013 audits and technical assistance audits of state-owned and leased
7014 buildings, (2) summarize the status of the energy conservation
7015 measures recommended by such audits, (3) summarize all energy
7016 conservation measures implemented during the preceding twelve
7017 months in state-owned and leased buildings which have not had such
7018 audits, (4) analyze the availability and allocation of funds to
7019 implement the measures recommended under subdivision (2) of this
7020 subsection, (5) list each budgeted agency, as defined in section 4-69,
7021 which occupies a state-owned or leased building and has not
7022 cooperated with the [Commissioner of Public Works and the Secretary
7023 of the Office of Policy and Management] Commissioners of
7024 Administrative Services and Energy and Environmental Protection in
7025 conducting energy and technical assistance audits of such building and
7026 implementing operational and maintenance improvements
7027 recommended by such audits and any other energy conservation
7028 measures required for such building by the secretary, (6) summarize
7029 all life-cycle cost analyses prepared under section 16a-38 during the
7030 preceding twelve months, and summarize agency compliance with the
7031 life-cycle cost analyses, and (7) identify any state laws, regulations or
7032 procedures that impede innovative energy conservation and load
7033 management projects in state buildings.

7034 [(c) The Secretary of the Office of Policy and Management] (f) The
7035 commissioner, in conjunction with the Department of [Public Works]
7036 Administrative Services, shall as soon as practicable and where cost-
7037 effective connect all state-owned buildings to a district heating and

7038 cooling system, where such heating and cooling system currently
7039 exists or where one is proposed. The [secretary] commissioner, in
7040 conjunction with the Department of [Public Works] Administrative
7041 Services, shall prepare an annual report with the results of the progress
7042 in connecting state-owned buildings to such a heating and cooling
7043 system, the cost of such connection and any projected energy savings
7044 achieved through any such connection. The [secretary] commissioner
7045 shall submit the report to the joint standing committee of the General
7046 Assembly having cognizance of matters relating to energy on or before
7047 January 1, 1993, and January first annually thereafter.

7048 [(d) The Secretary of the Office of Policy and Management] (g) The
7049 commissioner shall require each state agency to maximize its use of
7050 public service companies' energy conservation and load management
7051 programs and to provide sites in its facilities for demonstration
7052 projects of highly energy efficient equipment, provided no such
7053 demonstration project impairs the functioning of the facility.

7054 (h) The commissioner, in consultation with the Department of
7055 Administrative Services, shall establish energy efficiency standards for
7056 building space leased by the state on or after January 1, 2013.

7057 Sec. 114. (NEW) (*Effective July 1, 2011*) There is established within
7058 the Department of Energy and Environmental Protection, within
7059 available appropriations, an office of energy efficient businesses. The
7060 office shall provide in-state businesses (1) a single point of contact for
7061 any state business interested in energy efficiency, renewable energy or
7062 conservation projects, (2) information on loans and grants for energy
7063 efficiency, renewable energy projects and conservation, (3) audit and
7064 assessment services, including, but not limited to, on-site outreach to
7065 businesses by qualified entities without a commercial interest in the
7066 outcome of the audit, and (4) any other service deemed relevant by
7067 said office.

7068 Sec. 115. Subdivision (1) of subsection (b) of section 16-262c of the
7069 general statutes is repealed and the following is substituted in lieu

7070 thereof (*Effective July 1, 2011*):

7071 (b) (1) From November first to May first, inclusive, no electric or
7072 electric distribution company, as defined in section 16-1, no electric
7073 supplier and no municipal utility furnishing electricity shall terminate,
7074 deny or refuse to reinstate residential electric service in hardship cases
7075 where the customer lacks the financial resources to pay his or her
7076 entire account. From November first to May first, inclusive, no gas
7077 company and no municipal utility furnishing gas shall terminate, deny
7078 or refuse to reinstate residential gas service in hardship cases where
7079 the customer uses such gas for heat and lacks the financial resources to
7080 pay his or her entire account, except a gas company that, between May
7081 second and October thirty-first, terminated gas service to a residential
7082 customer who uses gas for heat and who, during the previous period
7083 of November first to May first, had gas service maintained because of
7084 hardship status, may refuse to reinstate the gas service from November
7085 first to May first, inclusive, only if the customer has failed to pay, since
7086 the preceding November first, the lesser of: (A) Twenty per cent of the
7087 outstanding principal balance owed the gas company as of the date of
7088 termination, (B) one hundred dollars, or (C) the minimum payments
7089 due under the customer's amortization agreement. Notwithstanding
7090 any other provision of the general statutes to the contrary, no electric,
7091 electric distribution or gas company, no electric supplier and no
7092 municipal utility furnishing electricity or gas shall terminate, deny or
7093 refuse to reinstate residential electric or gas service where the customer
7094 lacks the financial resources to pay his or her entire account and for
7095 which customer or a member of the customer's household the
7096 termination, denial of or failure to reinstate such service would create a
7097 life-threatening situation. From October first until June first, no
7098 electric, electric distribution or gas company, no electric supplier and
7099 no municipal utility furnishing electricity or gas shall terminate, deny
7100 or refuse to reinstate residential electric or gas service where the
7101 customer is a hardship case and lacks the financial resources to pay his
7102 or her entire account and a child not more than twenty-four months
7103 old resides in the customer's household and such child has been

7104 admitted to the hospital and received discharge papers on which the
7105 attending physician has indicated such service is a necessity for sixty
7106 days.

7107 Sec. 116. (NEW) (*Effective from passage*) (a) As used in this section:

7108 (1) "Beneficial account" means an in-state retail end user of an
7109 electric distribution company designated by a customer host in such
7110 electric distribution company's service area to receive virtual net
7111 metering credits from a virtual net metering facility;

7112 (2) "Customer host" means an in-state retail end user of an electric
7113 distribution company that owns a virtual net metering facility and
7114 participates in virtual net metering;

7115 (3) "Unassigned virtual net metering credit" means in any given
7116 electric distribution company monthly billing period, a virtual net
7117 metering credit that remains after both the customer host and its
7118 beneficial accounts have been billed for zero kilowatt hours related
7119 solely to the generation service charges on such billings through
7120 virtual net metering;

7121 (4) "Virtual net metering" means the process of combining the
7122 electric meter readings and billings, including any virtual net metering
7123 credits, for a customer host and a beneficial account through an electric
7124 distribution company billing process related solely to the generation
7125 service charges on such billings;

7126 (5) "Virtual net metering credit" means a credit equal to the retail
7127 cost per kilowatt hour the customer host may have otherwise been
7128 charged for each kilowatt hour produced by a virtual net metering
7129 facility that exceeds the total amount of kilowatt hours used during an
7130 electric distribution company monthly billing period; and

7131 (6) "Virtual net metering facility" means a Class I renewable energy
7132 source that: (A) is served by an electric distribution company, owned
7133 by a customer host and serves the electricity needs of the customer

7134 host and its beneficial accounts; (B) is within the same electric
7135 distribution company service territory as the customer host and its
7136 beneficial accounts; and (C) has a nameplate capacity rating of two
7137 megawatts or less.

7138 (b) Each electric distribution company shall provide virtual net
7139 metering to its municipal customers and shall make any necessary
7140 interconnections for a virtual net metering facility. Upon request by a
7141 municipal customer host to implement the provisions of this section,
7142 an electric distribution company shall install metering equipment, if
7143 necessary. For each municipal customer host, such metering
7144 equipment shall (1) measure electricity consumed from the electric
7145 distribution company's facilities; (2) deduct the amount of electricity
7146 produced but not consumed; and (3) register, for each monthly billing
7147 period, the net amount of electricity produced and, if applicable,
7148 consumed. If, in a given monthly billing period, a municipal customer
7149 host supplies more electricity to the electric distribution system than
7150 the electric distribution company delivers to the municipal customer
7151 host, the electric distribution company shall bill the municipal
7152 customer host for zero kilowatt hours of generation and assign a
7153 virtual net metering credit to the municipal customer host's beneficial
7154 accounts for the next monthly billing period. Such credit shall be
7155 applied against the generation service component of the beneficial
7156 account. Such credit shall be allocated among such accounts in
7157 proportion to their consumption for the previous twelve billing
7158 periods.

7159 (c) An electric distribution company shall carry forward any
7160 unassigned virtual net metering generation credits earned by the
7161 municipal customer host from one monthly billing period to the next
7162 until the end of the calendar year. At the end of each calendar year, the
7163 electric distribution company shall compensate the municipal
7164 customer host for any unassigned virtual net metering generation
7165 credits at the rate the electric distribution company pays for power
7166 procured to supply standard service customers pursuant to section 16-
7167 244c of the general statutes, as amended by this act.

7168 (d) At least sixty days before a municipal customer host's virtual net
7169 metering facility becomes operational, the municipal customer host
7170 shall provide written notice to the electric distribution company of its
7171 beneficial accounts. The municipal customer host may change its list of
7172 beneficial accounts not more than once annually by providing another
7173 sixty days' written notice. The municipal customer host shall not
7174 designate more than five beneficial accounts.

7175 (e) On or before February 1, 2012, the Department of Energy and
7176 Environmental Protection shall conduct a proceeding to develop the
7177 administrative processes and program specifications, including, but
7178 not limited to, a cap of one million dollars per year apportioned to
7179 each electric distribution company based on consumer load for credits
7180 provided to beneficial accounts pursuant to subsection (c) of this
7181 section and payments made pursuant to subsection (d) of this section.

7182 (f) On or before January 1, 2013, and annually thereafter, each
7183 electric distribution company shall report to the department on the
7184 cost of its virtual net metering program pursuant to this section and
7185 the department shall combine such information and report it annually,
7186 in accordance with the provisions of section 11-4a of the general
7187 statutes, to the joint standing committee of the General Assembly
7188 having cognizance of matters relating to energy.

7189 Sec. 117. Subparagraph (B) of subdivision (6) of subsection (c) of
7190 section 7-148 of the general statutes is repealed and the following is
7191 substituted in lieu thereof (*Effective July 1, 2011*):

7192 (B) (i) Lay out, construct, reconstruct, repair, maintain, operate,
7193 alter, extend and discontinue sewer and drainage systems and sewage
7194 disposal plants;

7195 (ii) Enter into or upon any land for the purpose of correcting the
7196 flow of surface water through watercourses which prevent, or may
7197 tend to prevent, the free discharge of municipal highway surface water
7198 through said courses;

7199 (iii) Regulate the laying, location and maintenance of gas pipes,
7200 water pipes, drains, sewers, poles, wires, conduits and other structures
7201 in the streets and public places of the municipality;

7202 (iv) Prohibit and regulate the discharge of drains from roofs of
7203 buildings over or upon the sidewalks, streets or other public places of
7204 the municipality or into sanitary sewers;

7205 (v) Enter into energy-savings performance contracts;

7206 Sec. 118. (NEW) (*Effective July 1, 2011*) (a) As used in this section:

7207 (1) "Energy-savings measure" means any improvement to facilities
7208 or other energy-consuming systems designed to reduce energy or
7209 water consumption and operating costs and increase the operating
7210 efficiency of facilities or systems for their appointed functions.
7211 "Energy-savings measure" includes, but is not limited to, one or more
7212 of the following:

7213 (A) Replacement or modification of lighting and electrical
7214 components, fixtures or systems, including daylighting systems,
7215 improvements in street lighting efficiency or computer power
7216 management software;

7217 (B) Class I renewable energy or solar thermal systems;

7218 (C) Cogeneration systems that produce steam or forms of energy,
7219 such as heat or electricity, for use primarily within a building or
7220 complex of buildings;

7221 (D) Automated or computerized energy control systems;

7222 (E) Heating, ventilation or air conditioning system modifications or
7223 replacements;

7224 (F) Indoor air quality improvements that conform to applicable
7225 building code requirements;

7226 (G) Water-conserving fixtures, appliances and equipment or the

7227 substitution of non-water-using fixtures, appliances and equipment, or
7228 water-conserving landscape irrigation equipment; and

7229 (H) Changes in operation and maintenance practices;

7230 (I) Replacement or modification of windows or doors; and

7231 (J) Installation or addition of insulation.

7232 (2) "Cost effective" means the savings resulting from an energy-
7233 savings measure outweigh the costs of such measure, including, but
7234 not limited to, any financing costs, provided the payback period for
7235 any financing provided pursuant to this section is less than the
7236 functional life of the proposed energy-savings measure and the
7237 payback period does not exceed fifteen years.

7238 (3) "Operation and maintenance cost savings" means a measurable
7239 decrease in operation and maintenance costs and future replacement
7240 expenditures that is a direct result of the implementation of one or
7241 more utility cost savings measures. Such savings shall be calculated in
7242 comparison with an established baseline of operation and maintenance
7243 costs.

7244 (4) "Qualified energy service provider" means a corporation
7245 approved by the Department of Administrative Services with a record
7246 of successful energy performance contract projects experienced in the
7247 design, implementation and installation of energy efficiency and
7248 facility improvement measures, the technical capabilities to ensure
7249 such measures generate energy and operational cost savings, and the
7250 ability to secure the financing necessary to support energy savings
7251 guarantees.

7252 (5) "Utility cost savings" means any utility expenses eliminated or
7253 avoided on a long-term basis as a result of equipment installed or
7254 modified, or services performed by a qualified energy service
7255 provider; "utility cost savings" does not include merely shifting
7256 personnel costs or similar short-term cost savings.

7257 (6) "State agency" has the same meaning as provided in section 1-79
7258 of the general statutes.

7259 (7) "Municipality" has the same meaning as provided in section 4-
7260 230 of the general statutes.

7261 (8) "Participating municipality" means a municipality that
7262 voluntarily takes part in the standardized energy performance contract
7263 process.

7264 (9) "Standardized energy-savings performance contract process"
7265 means standard procedures for entering into an energy-savings
7266 performance contract and standard energy-savings performance
7267 contract documents established by the Department of Energy and
7268 Environmental Protection.

7269 (10) "Investment-grade energy audit" means a study by the qualified
7270 energy services provider selected for a particular energy-savings
7271 performance contract project which includes detailed descriptions of
7272 the improvements recommended for the project, the estimated costs of
7273 the improvements, and the utility and operations and maintenance
7274 cost savings projected to result from the recommended improvements.

7275 (11) "Energy-savings performance contract" means a contract
7276 between the state agency or municipality and a qualified energy
7277 service provider for evaluation, recommendation and implementation
7278 of one or more energy-savings measures. An energy-savings
7279 performance contract shall be a guaranteed energy-savings
7280 performance contract, which shall include, but not be limited to, (A)
7281 the design and installation of equipment and, if applicable, operation
7282 and maintenance of any of the measures implemented; and (B)
7283 guaranteed annual savings that meet or exceed the total annual
7284 contract payments made by the state agency or municipality for such
7285 contract, including financing charges to be incurred by the state agency
7286 or municipality over the life of the contract.

7287 (b) On or before July 1, 2012, the Commissioner of Energy and

7288 Environmental Protection, in coordination with the Energy
7289 Conservation Management Board and in consultation with the Office
7290 of Policy and Management and the Department of Administrative
7291 Services, shall, within available appropriations, establish a
7292 standardized energy-savings performance contract process for state
7293 agencies and municipalities. The standardized process shall include
7294 standard procedures for entering into an energy-savings performance
7295 contract and standard energy-savings performance contract
7296 documents, including, but not limited to, requests for qualifications,
7297 requests for proposals, investment-grade audit contracts, energy-
7298 savings performance contracts, including the form of the project
7299 savings guarantee, and project financing agreements. A municipality
7300 may use the established state standardized energy-savings
7301 performance contract process or establish its own energy-savings
7302 performance contract process.

7303 (c) The Commissioner of Energy and Environmental Protection, in
7304 consultation with the Office of Policy and Management and the Energy
7305 Conservation Management Board, shall manage the established
7306 standardized energy-savings performance contract process and
7307 apprise state agencies and participating municipalities of opportunities
7308 to develop and finance energy-savings performance contract projects
7309 and provide technical and analytical support, including, but not
7310 limited to, (1) procurement of energy-savings performance contract
7311 services; (2) reviewing verification procedures for energy savings; and
7312 (3) assisting in the structuring and arranging of financing for energy-
7313 savings performance contract projects. The Energy Conservation and
7314 Management Board, in consultation with the Office of Policy and
7315 Management, shall create promotional materials to explain the energy-
7316 savings performance contract program.

7317 (d) The Department of Energy and Environmental Protection may
7318 fix, charge and collect fees to cover costs incurred for any
7319 administrative support and resources or services provided under this
7320 section from the state agencies and participating municipalities that
7321 use its technical support services. State agencies and participating

7322 municipalities may add the costs of these fees to the total cost of the
7323 energy-savings performance contract. All such fees shall be disclosed
7324 prior to services being rendered. Any participating municipality may
7325 opt out of the state energy-savings performance contract process rather
7326 than incur such fees. Initial administrative funding to establish and
7327 manage the energy-savings performance contracting process for state
7328 agencies and participating municipalities shall be recovered from the
7329 Energy Conservation Management Board.

7330 (e) The standardized energy-savings performance contract process
7331 for state agencies and participating municipalities shall include
7332 requests for qualifications or requests for proposals.

7333 (1) The Department of Administrative Services, in consultation with
7334 the Department of Energy and Environmental Protection, shall issue a
7335 request for qualifications from companies that can offer energy-savings
7336 performance contract services to create a list of qualified energy service
7337 providers. A state agency shall use the qualified list. A municipality
7338 may use the qualified list or establish its own qualification process.

7339 (2) When reviewing requests for qualifications, the department shall
7340 consider a company's experience with (A) design, engineering,
7341 installation, maintenance and repairs associated with energy-savings
7342 performance contracts; (B) conversions to a different energy or fuel
7343 source, associated with a comprehensive energy efficiency retrofit; (C)
7344 post-installation project monitoring, data collection and reporting of
7345 savings; (D) overall project management and qualifications; (E)
7346 accessing long-term financing; (F) financial stability; (G) projects of
7347 similar size and scope; (H) in-state projects and Connecticut-based
7348 subcontractors; (I) United States Department of Energy programs; (J)
7349 professional certifications; and (K) other factors determined by the
7350 department to be relevant and appropriate.

7351 (3) Before entering into an energy-savings performance contract
7352 pursuant to this section, a state agency or participating municipality
7353 shall issue a request for proposals from three or more qualified energy

7354 service providers. A state agency or participating municipality may
7355 award the energy-savings performance contract to the qualified energy
7356 service provider that best meets the needs of the state agency or
7357 participating municipality, which need not be the lowest cost
7358 provided. A cost-effective feasibility analysis shall be prepared in
7359 response to the request for proposals.

7360 (4) The cost-effective feasibility analysis included in the response to
7361 the request for proposals shall serve as the selection document for
7362 purposes of selecting a qualified energy service provider to engage in
7363 final contract negotiations. Factors to be included in selecting among
7364 the qualified energy service providers shall include, but not be limited
7365 to, (A) contract terms, (B) comprehensiveness of the proposal, (C)
7366 financial stability of the provider, (D) comprehensiveness of cost
7367 savings measures, (E) experience and quality of technical approach,
7368 and (F) overall benefits to the state agency or municipality.

7369 (f) One qualified energy service provider selected as a result of the
7370 request for proposals set forth in subsection (e) of this section shall
7371 prepare an investment-grade audit, which, upon acceptance, shall be
7372 part of the final energy-savings performance contract entered into by
7373 the state agency or participating municipality. Such investment-grade
7374 energy audit shall include estimates of the amounts by which utility
7375 cost savings and operation and maintenance cost savings would
7376 increase and estimates of all costs of such utility cost savings measures
7377 or energy-savings measures, including, but not limited to, (1) itemized
7378 costs of design, (2) engineering, (3) equipment, (4) materials, (5)
7379 installation, (6) maintenance, (7) repairs, and (8) debt service. The
7380 qualified energy service provider and the state agency or participating
7381 municipality shall agree on the cost of the investment-grade audit
7382 before it is conducted. If, after preparation of the investment-grade
7383 audit, the state agency or participating municipality decides not to
7384 execute an energy-savings performance contract and the costs and
7385 benefits described in the investment-grade audit are not materially
7386 different from those described in the cost-effective feasibility analysis
7387 submitted in response to the request for proposals, the state agency or

7388 participating municipality shall pay the costs incurred in preparing
7389 such investment-grade audit. In all other instances, the costs of the
7390 investment-grade audit shall be deemed part of the costs of the energy-
7391 savings performance contract.

7392 (g) The guidelines adopted pursuant to this section may require that
7393 the cost savings projected by the qualified provider be reviewed by a
7394 professional engineer licensed in this state who has a minimum of
7395 three years experience in energy calculation and review, is not an
7396 officer or employee of a qualified provider for the contract under
7397 review, and is not otherwise associated with the contract. In
7398 conducting the review, the engineer shall focus primarily on the
7399 proposed improvements from an engineering perspective, the
7400 methodology and calculations related to cost savings, increases in
7401 revenue, and, if applicable, efficiency or accuracy of metering
7402 equipment. An engineer who reviews a contract shall maintain the
7403 confidentiality of any proprietary information the engineer acquires
7404 while reviewing the contract.

7405 (h) A municipality may use funds designated for operating and
7406 capital expenditures or utilities for any energy-savings performance
7407 contract, including, but not limited to, contracts entered into pursuant
7408 to this section.

7409 (i) A guaranteed energy-savings performance contract may provide
7410 for financing, including tax exempt financing, by a third party. The
7411 contract for third-party financing may be separate from the energy-
7412 savings performance contract. A state agency or participating
7413 municipality may use designated funds, bonds, lease purchase
7414 agreements or master lease for any energy-savings performance
7415 contracts, provided its use is consistent with the purpose of the
7416 appropriation.

7417 (j) Each energy-savings performance contract shall provide that all
7418 payments between parties, except obligations on termination of the
7419 contract before its expiration, shall be made over time and the objective

7420 of such energy-savings performance contracts is implementation of
7421 cost savings measures and energy and operational cost savings.

7422 (k) An energy-savings performance contract, and payments
7423 provided thereunder, may extend beyond the fiscal year in which the
7424 energy-savings performance contract became effective, subject to
7425 appropriation of moneys, if required by law, for costs incurred in
7426 future fiscal years. The energy-savings performance contract may
7427 extend for a term not to exceed twenty years. The allowable length of
7428 the contract may also reflect the useful life of the cost savings
7429 measures. An energy-savings performance contract may provide for
7430 payments over a period not to exceed deadlines specified in the
7431 energy-savings performance contract from the date of the final
7432 installation of the cost savings measures.

7433 (l) The energy-savings performance contract may provide that
7434 reconciliation of the amounts owed under the energy-savings
7435 performance contract shall occur in a period beyond one year with
7436 final reconciliation occurring within the term of the energy-savings
7437 performance contract. An energy-savings performance contract shall
7438 include contingency provisions in the event that actual savings do not
7439 meet predicted savings.

7440 (m) The energy-savings performance contract shall require the
7441 qualified energy service provider to provide to the state agency or
7442 participating municipality an annual reconciliation of the guaranteed
7443 energy cost savings. If the reconciliation reveals a shortfall in annual
7444 energy cost savings, the qualified energy service provider shall make
7445 payment to the state agency or participating municipality in the
7446 amount of the shortfall. If the reconciliation reveals an excess in annual
7447 energy cost savings, the excess savings shall remain with the state
7448 agency or municipality, and shall not be used to cover potential energy
7449 cost savings shortages in subsequent years or actual energy cost
7450 savings shortages in previous contract years.

7451 (n) During the term of each energy performance contract, the

7452 qualified energy service provider shall monitor the reductions in
7453 energy consumption and cost savings attributable to the cost savings
7454 measures installed pursuant to the energy-savings performance
7455 contract and shall, not less than annually, prepare and provide a report
7456 to the state agency or participating municipality documenting the
7457 performance of the cost savings measures to the state agency or
7458 participating municipality. The report shall adhere to the most current
7459 version of the International Performance Measurement and
7460 Verification Protocol.

7461 (o) The qualified energy service provider and state agency or
7462 participating municipality may agree to modify savings calculations
7463 based on any of the following:

7464 (1) Subsequent material change to the baseline energy consumption
7465 identified at the beginning of the energy-savings performance contract;

7466 (2) Changes in the number of days in the utility billing cycle;

7467 (3) Changes in the total square footage of the building;

7468 (4) Changes in the operational schedule of the facility;

7469 (5) Changes in facility temperature;

7470 (6) Material change in the weather;

7471 (7) Material changes in the amount of equipment or lighting used at
7472 the facility; or

7473 (8) Any other change which reasonably would be expected to
7474 modify energy use or energy costs.

7475 (p) Any state agency or participating municipality that enters into
7476 an energy-savings performance contract pursuant to this section shall
7477 report the name of the project, the project host, the investment on the
7478 project and the expected energy savings to the Office of Policy and
7479 Management and the Department of Energy and Environmental

7480 Protection. Such reporting shall be done at the same time that the
7481 energy-savings performance contract is executed.

7482 (q) A state agency or participating municipality may direct savings
7483 realized under the energy-savings performance contract to contract
7484 payment and other required expenses and may, when practicable,
7485 reinvest savings beyond that required for contract payment and other
7486 required expenses into additional energy-savings measures.

7487 Sec. 119. Section 16a-40f of the general statutes is repealed and the
7488 following is substituted in lieu thereof (*Effective July 1, 2011*):

7489 (a) For the purposes of this section:

7490 (1) "Participating qualified nonprofit organizations" means
7491 individuals, nonprofit organizations and small businesses;

7492 (2) "Small business" means a business entity employing not more
7493 than fifty full-time employees;

7494 (3) "Eligible energy conservation project" means an energy
7495 conservation project meeting the criteria identified, as provided in
7496 subsection (d) of this section; [and]

7497 (4) "Participating lending institution" means any bank, trust
7498 company, savings bank, savings and loan association or credit union,
7499 whether chartered by the United States of America or this state, or any
7500 insurance company authorized to do business in this state that
7501 participates in the Green Connecticut Loan Guaranty Fund program;
7502 [.] and

7503 (5) "Authority" means the Clean Energy Finance and Investment
7504 Authority.

7505 (b) The [Connecticut Health and Educational Facilities Authority]
7506 authority shall establish the Green Connecticut Loan Guaranty Fund
7507 program from the proceeds of the bonds issued pursuant to section
7508 16a-40d for the purpose of guaranteeing loans made by participating

7509 lending institutions to a participating qualified nonprofit organization
7510 for eligible energy conservation projects, including for two or more
7511 joint eligible energy conservation projects. In carrying out the purposes
7512 of this section, the authority shall have and may exercise the powers
7513 provided in section 10a-180.

7514 (c) Participating qualified nonprofit organizations may borrow
7515 money from a participating lending institution for any energy
7516 conservation project for which the authority provides guaranties
7517 pursuant to this section. In connection with the provision of such a
7518 guaranty by the [Connecticut Health and Educational Facilities
7519 Authority] authority, (1) a participating qualified nonprofit
7520 organization shall enter into any loan or other agreement and make
7521 such covenants, representations and indemnities as a participating
7522 lending institution deems necessary or appropriate; and (2) a
7523 participating lending institution shall enter into a guaranty agreement
7524 with the authority, pursuant to which the authority has agreed to
7525 provide a first loss guaranty of an agreed percentage of the original
7526 principal amount of loans for eligible energy conservation projects.

7527 (d) In consultation with the [Office of Policy and Management]
7528 Energy Conservation Management Board and the Connecticut Health
7529 and Educational Facilities Authority, the Clean Energy Finance and
7530 Investment Authority shall identify types of projects that qualify as
7531 eligible energy conservation projects, including, but not limited to, the
7532 purchase and installation of insulation, alternative energy devices,
7533 energy conservation materials, replacement furnaces and boilers, and
7534 technologically advanced energy-conserving equipment. The
7535 authority, in consultation with said [office] entities, shall establish
7536 priorities for financing eligible energy conservation projects based on
7537 need and quality determinants. The authority shall adopt procedures,
7538 in accordance with the provisions of section 1-121, to implement the
7539 provisions of this section.

7540 (e) The authority shall, in consultation with the Energy
7541 Conservation Management Board and the Connecticut Health and

7542 Educational Facilities Authority, (1) ensure that the program
7543 established pursuant to this section integrates with existing state
7544 energy efficiency and renewable energy programs; (2) establish
7545 performance targets for the program to ensure that the program in
7546 coordination with existing financing programs will enable efficiency
7547 improvements for at least fifteen per cent of single family homes in the
7548 state by 2020; (3) enter into agreements with participating lending
7549 institutions that provide loan origination services; and (4) exercise such
7550 other powers as are necessary for the proper administration of the
7551 program.

7552 (f) Financial assistance provided by participating lending
7553 institutions pursuant to this section shall be subject to the following
7554 terms:

7555 (1) Eligible energy conservation projects shall meet cost-
7556 effectiveness standards adopted by the authority in consultation with
7557 the Energy Conservation Management Board and the Connecticut
7558 Health and Educational Facilities Authority.

7559 (2) Loans shall be at interest rates determined by the authority to be
7560 no higher than necessary to result in the participation of participating
7561 lending institutions in the program.

7562 (3) The amount of a fee paid for an energy audit provided pursuant
7563 to this program may be added to the amount of a loan to finance the
7564 cost of an eligible project conducted in response to such energy audit.
7565 In such cases, the amount of the fee may be reimbursed from the fund
7566 to the borrower.

7567 Sec. 120. (NEW) (*Effective from passage*) Commencing January 1,
7568 2012, each electric distribution, electric and gas company shall
7569 maintain and make available to the public, free of charge, records of
7570 the energy consumption data of all typical nonresidential buildings to
7571 which such company provides service. This data shall be maintained
7572 in a format (1) compatible for uploading to the United States
7573 Environmental Protection Agency's Energy Star portfolio manager or

7574 similar system, for at least the most recent thirty-six months, and (2)
7575 that preserves the confidentiality of the customer.

7576 Sec. 121. (NEW) (*Effective from passage*) Commencing January 1,
7577 2012, each electric distribution, electric and gas company shall provide
7578 aggregate town customer usage information by customer class that
7579 preserves the confidentiality of individual customers to any legislative
7580 body of a municipality that requests such information.

7581 Sec. 122. Section 29-263 of the general statutes is amended by adding
7582 subsection (c) as follows (*Effective July 1, 2011*):

7583 (NEW) (c) Any municipality may, by ordinance adopted by its
7584 legislative body, exempt Class I renewable energy source projects from
7585 payment of building permit fees imposed by the municipality.

7586 Sec. 123. (*Effective July 1, 2011*) The Department of Energy and
7587 Environmental Protection shall analyze (1) options for minimizing the
7588 cost to electric ratepayers of procuring renewable resources pursuant
7589 to section 16-245a of the general statutes, and (2) the feasibility of
7590 increasing the renewable energy portfolio standards pursuant to
7591 section 16-245a of the general statutes. Such analysis shall consider the
7592 benefits, costs and impacts of expanding the definition of Class I
7593 renewable energy source, as defined in section 16-1 of the general
7594 statutes, to include hydropower and other technologies that do not use
7595 nuclear or fossil fuels. On or before February 1, 2012, the department
7596 shall report, in accordance with the provisions of section 11-4a of the
7597 general statutes, the results of such analysis to the Governor and the
7598 joint standing committee of the General Assembly having cognizance
7599 of matters relating to energy and technology.

7600 Sec. 124. Section 7-233z of the general statutes is repealed and the
7601 following is substituted in lieu thereof (*Effective July 1, 2011*):

7602 (a) A municipal electric energy cooperative, created pursuant to this
7603 chapter, shall submit a comprehensive report on the activities of the
7604 municipal electric utilities with regard to promotion of renewable

energy resources. Such report shall identify the standards and activities of municipal electric utilities in the promotion, encouragement and expansion of the deployment and use of renewable energy sources within the service areas of the municipal electric utilities for the prior calendar year. The cooperative shall submit the report to the [Renewable Energy Investment Advisory Committee established pursuant to section 16-245n] Clean Energy Finance and Investment Authority not later than ninety days after the end of each calendar year that describes the activities undertaken pursuant to this subsection during the previous calendar year for the promotion and development of renewable energy sources for all electric customer classes.

(b) Such cooperative shall develop standards for the promotion of renewable resources that apply to each municipal electric utility. On or before January 1, 2008, and annually thereafter, such cooperative shall submit such standards to the [Renewable Energy Investment Advisory Committee] Clean Energy Finance and Investment Authority.

Sec. 125. Subsection (a) of section 16a-38n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) On and after October 1, 2007, the [Department of Public Utility Control] Public Utilities Regulatory Authority shall, in consultation with the [Renewable Energy Investments Advisory Board] Clean Energy Finance and Investment Authority and the [Office of Policy and Management] Department of Energy and Environmental Protection, establish a grant program for clean and distributive generation, generated from a Class I renewable energy source, projects for businesses and state buildings.

Sec. 126. (NEW) (*Effective July 1, 2011*) Each electric, gas or heating fuel customer, regardless of heating source, shall be assessed the same fees, charges, co-pays, or other similar terms to access any audits administered by the Home Energy Solutions program provided the

7637 costs of subsidizing such audits to ratepayers whose primary source of
7638 heat is not electricity or natural gas shall not exceed five hundred
7639 thousand dollars per year.

7640 Sec. 127. (*Effective July 1, 2011*) The Public Utilities Regulatory
7641 Authority shall conduct a proceeding to analyze the costs and benefits
7642 of allowing an electric distribution company to earn a rate of return,
7643 subject to section 16-19e of the general statutes on its long-term
7644 investments in energy efficiency. On or before February 1, 2012, the
7645 authority shall report the results of such proceeding in accordance
7646 with the provisions of section 11-4a of the general statutes to the joint
7647 standing committee of the General Assembly having cognizance of
7648 matters relating to energy.

7649 Sec. 128. (*Effective July 1, 2011*) (a) There is established a task force to
7650 study power plant safety. Such study shall include, but not be limited
7651 to, an examination of developing regulations for power plant safety,
7652 training protocols, audits and reporting requirements, qualifications
7653 and potential licensing requirements for a power plant inspector or
7654 operator, penalties for failure to comply with requirements, and the
7655 best practices of other states. Such study shall evaluate which state
7656 agency shall be responsible for oversight of plant safety and its access
7657 rights to facilities and records. Such study shall consider both
7658 preoperational construction and operational stages of power plants.

7659 (b) The task force shall consist of the following members:

7660 (1) Two appointed by the speaker of the House of Representatives;

7661 (2) Two appointed by the president pro tempore of the Senate;

7662 (3) One appointed by the majority leader of the House of
7663 Representatives;

7664 (4) One appointed by the majority leader of the Senate;

7665 (5) One appointed by the minority leader of the House of
7666 Representatives;

- 7667 (6) One appointed by the minority leader of the Senate; and
- 7668 (7) The chairpersons and ranking members of the joint standing
7669 committees of the General Assembly having cognizance of matters
7670 relating to energy and public safety.
- 7671 (c) Any member of the task force appointed under subdivision (1),
7672 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
7673 of the General Assembly.
- 7674 (d) All appointments to the task force shall be made no later than
7675 thirty days after the effective date of this section. Any vacancy shall be
7676 filled by the appointing authority.
- 7677 (e) The speaker of the House of Representatives and the president
7678 pro tempore of the Senate shall select the chairpersons of the task
7679 force, from among the members of the task force. Such chairpersons
7680 shall schedule the first meeting of the task force, which shall be held no
7681 later than sixty days after the effective date of this section.
- 7682 (f) The administrative staff of the joint standing committees of the
7683 General Assembly having cognizance of matters relating to energy and
7684 public safety shall serve as administrative staff of the task force.
- 7685 (g) Not later than February 1, 2012, the task force shall submit a
7686 report on its findings and recommendations to the joint standing
7687 committees of the General Assembly having cognizance of matters
7688 relating to energy and public safety, in accordance with the provisions
7689 of section 11-4a of the general statutes. The task force shall terminate
7690 on the date that it submits such report or January 1, 2012, whichever is
7691 later.
- 7692 Sec. 129. (NEW) (*Effective July 1, 2011*) On or before October 1, 2011,
7693 the Department of Energy and Environmental Protection shall
7694 establish a natural gas and heating oil conversion program to allow a
7695 gas or heating oil company to finance the conversion to gas heat or
7696 home heating oil by potential residential customers who heat their

7697 homes with electricity. The department shall adopt regulations in
7698 accordance with the provisions of chapter 54 of the general statutes to
7699 establish procedures and terms for such program and shall, on or
7700 before January 1, 2012, and annually thereafter, report in accordance
7701 with the provisions of section 11-4a of the general statutes to the joint
7702 standing committees of the General Assembly having cognizance of
7703 matters relating to energy and the environment regarding the progress
7704 of said program.

7705 Sec. 130. Section 32-39 of the general statutes is repealed and the
7706 following is substituted in lieu thereof (*Effective July 1, 2011*):

7707 The purposes of the corporation shall be to stimulate and encourage
7708 the research and development of new technologies, businesses and
7709 products, to encourage the creation and transfer of new technologies,
7710 to assist existing businesses in adopting current and innovative
7711 technological processes, to stimulate and provide services to industry
7712 that will advance the adoption and utilization of technology, to
7713 achieve improvements in the quality of products and services, to
7714 stimulate and encourage the development and operation of new and
7715 existing science parks and incubator facilities, and to promote science,
7716 engineering, mathematics and other disciplines that are essential to the
7717 development and application of technology within Connecticut by the
7718 infusion of financial aid for research, invention and innovation in
7719 situations in which such financial aid would not otherwise be
7720 reasonably available from commercial or other sources, and for these
7721 purposes the corporation shall have the following powers:

7722 (1) To have perpetual succession as a body corporate and to adopt
7723 bylaws, policies and procedures for the regulation of its affairs and
7724 conduct of its businesses as provided in section 32-36;

7725 (2) To enter into venture agreements with persons, upon such terms
7726 and on such conditions as are consistent with the purposes of this
7727 chapter, for the advancement of financial aid to such persons for the
7728 research, development and application of specific technologies,

7729 products, procedures, services and techniques, to be developed and
7730 produced in this state, and to condition such agreements upon
7731 contractual assurances that the benefits of increasing or maintaining
7732 employment and tax revenues shall remain in this state and shall
7733 accrue to it;

7734 (3) To solicit, receive and accept aid, grants or contributions from
7735 any source of money, property or labor or other things of value, to be
7736 held, used and applied to carry out the purposes of this chapter,
7737 subject to the conditions upon which such grants and contributions
7738 may be made, including but not limited to, gifts or grants from any
7739 department or agency of the United States or the state;

7740 (4) To invest in, acquire, lease, purchase, own, manage, hold and
7741 dispose of real property and lease, convey or deal in or enter into
7742 agreements with respect to such property on any terms necessary or
7743 incidental to the carrying out of these purposes; provided, however,
7744 that all such acquisitions of real property for the corporation's own use
7745 with amounts appropriated by the state to the corporation or with the
7746 proceeds of bonds supported by the full faith and credit of the state
7747 shall be subject to the approval of the Secretary of the Office of Policy
7748 and Management and the provisions of section 4b-23;

7749 (5) To borrow money or to guarantee a return to the investors in or
7750 lenders to any capital initiative, to the extent permitted under this
7751 chapter;

7752 (6) To hold patents, copyrights, trademarks, marketing rights,
7753 licenses, or any other evidences of protection or exclusivity as to any
7754 products as defined herein, issued under the laws of the United States
7755 or any state or any nation;

7756 (7) To employ such assistants, agents and other employees as may
7757 be necessary or desirable, which employees shall be exempt from the
7758 classified service and shall not be employees, as defined in subsection
7759 (b) of section 5-270; establish all necessary or appropriate personnel
7760 practices and policies, including those relating to hiring, promotion,

7761 compensation, retirement and collective bargaining, which need not be
7762 in accordance with chapter 68, and the corporation shall not be an
7763 employer as defined in subsection (a) of section 5-270; and engage
7764 consultants, attorneys and appraisers as may be necessary or desirable
7765 to carry out its purposes in accordance with this chapter;

7766 (8) To make and enter into all contracts and agreements necessary or
7767 incidental to the performance of its duties and the execution of its
7768 powers under this chapter;

7769 (9) To sue and be sued, plead and be impleaded, adopt a seal and
7770 alter the same at pleasure;

7771 (10) With the approval of the State Treasurer, to invest any funds
7772 not needed for immediate use or disbursement, including any funds
7773 held in reserve, in obligations issued or guaranteed by the United
7774 States of America or the state of Connecticut and in other obligations
7775 which are legal investments for retirement funds in this state;

7776 (11) To procure insurance against any loss in connection with its
7777 property and other assets in such amounts and from such insurers as it
7778 deems desirable;

7779 (12) To the extent permitted under its contract with other persons, to
7780 consent to any termination, modification, forgiveness or other change
7781 of any term of any contractual right, payment, royalty, contract or
7782 agreement of any kind to which the corporation is a party;

7783 (13) To do anything necessary and convenient to render the bonds
7784 to be issued under section 32-41 more marketable;

7785 (14) To acquire, lease, purchase, own, manage, hold and dispose of
7786 personal property, and lease, convey or deal in or enter into
7787 agreements with respect to such property on any terms necessary or
7788 incidental to the carrying out of these purposes;

7789 (15) In connection with any application for assistance under this
7790 chapter, or commitments therefor, to make and collect such fees as the

7791 corporation shall determine to be reasonable;

7792 (16) To enter into venture agreements with persons, upon such
7793 terms and conditions as are consistent with the purposes of this
7794 chapter to provide financial aid to such persons for the marketing of
7795 new and innovative services based on the use of a specific technology,
7796 product, device, technique, service or process;

7797 (17) To enter into limited partnerships or other contractual
7798 arrangements with private and public sector entities as the corporation
7799 deems necessary to provide financial aid which shall be used to make
7800 investments of seed venture capital in companies based in or
7801 relocating to the state in a manner which shall foster additional capital
7802 investment, the establishment of new businesses, the creation of new
7803 jobs and additional commercially-oriented research and development
7804 activity. The repayment of such financial aid shall be structured in
7805 such manner as the corporation deems will best encourage private
7806 sector participation in such limited partnerships or other
7807 arrangements. The board of directors, executive director, officers and
7808 staff of the corporation may serve as members of any advisory or other
7809 board which may be established to carry out the purposes of this
7810 subdivision;

7811 (18) To account for and audit funds of the corporation and funds of
7812 any recipients of financial aid from the corporation;

7813 (19) To advise the Governor, the General Assembly, the
7814 Commissioner of Economic and Community Development and the
7815 Commissioner of Higher Education on matters relating to science,
7816 engineering and technology which may have an impact on state
7817 policies, programs, employers and residents, and on job creation and
7818 retention;

7819 (20) To promote technology-based development in the state;

7820 (21) To encourage and promote the establishment of and, within
7821 available resources, to provide financial aid to advanced technology

7822 centers;

7823 (22) To maintain an inventory of data and information concerning
7824 state and federal programs which are related to the purposes of this
7825 chapter and to serve as a clearinghouse and referral service for such
7826 data and information;

7827 (23) To conduct and encourage research and studies relating to
7828 technological development;

7829 (24) To provide technical or other assistance and, within available
7830 resources, to provide financial aid to the Connecticut Academy of
7831 Science and Engineering, Incorporated, in order to further the
7832 purposes of this chapter;

7833 (25) To recommend a science and technology agenda for the state
7834 that will promote the formation of public and private partnerships for
7835 the purpose of stimulating research, new business formation and
7836 growth and job creation;

7837 (26) To encourage and provide technical assistance and, within
7838 available resources, to provide financial aid to existing manufacturers
7839 and other businesses in the process of adopting innovative technology
7840 and new state-of-the-art processes and techniques;

7841 (27) To recommend state goals for technological development and
7842 to establish policies and strategies for developing and assisting
7843 technology-based companies and for attracting such companies to the
7844 state;

7845 (28) To promote and encourage and, within available resources, to
7846 provide financial aid for the establishment, maintenance and operation
7847 of incubator facilities;

7848 (29) To promote and encourage the coordination of public and
7849 private resources and activities within the state in order to assist
7850 technology-based entrepreneurs and business enterprises;

7851 (30) To provide services to industry that will stimulate and advance
7852 the adoption and utilization of technology and achieve improvements
7853 in the quality of products and services;

7854 (31) To promote science, engineering, mathematics and other
7855 disciplines that are essential to the development and application of
7856 technology;

7857 (32) To coordinate its efforts with existing business outreach centers,
7858 as described in section 32-9qq;

7859 (33) To do all acts and things necessary and convenient to carry out
7860 the purposes of this chapter;

7861 (34) To accept from the department: (A) Financial assistance, (B)
7862 revenues or the right to receive revenues with respect to any program
7863 under the supervision of the department, and (C) loan assets or equity
7864 interests in connection with any program under the supervision of the
7865 department; to make advances to and reimburse the department for
7866 any expenses incurred or to be incurred by it in the delivery of such
7867 assistance, revenues, rights, assets, or interests; to enter into
7868 agreements for the delivery of services by the corporation, in
7869 consultation with the department, the Connecticut Housing Finance
7870 Authority and the Connecticut Development Authority, to third
7871 parties which agreements may include provisions for payment by the
7872 department to the corporation for the delivery of such services; and to
7873 enter into agreements with the department or with the Connecticut
7874 Development Authority or Connecticut Housing Finance Authority for
7875 the sharing of assistants, agents and other consultants, professionals
7876 and employees, and facilities and other real and personal property
7877 used in the conduct of the corporation's affairs;

7878 (35) To transfer to the department: (A) Financial assistance, (B)
7879 revenues or the right to receive revenues with respect to any program
7880 under the supervision of the corporation, and (C) loan assets or equity
7881 interests in connection with any program under the supervision of the
7882 corporation, provided the transfer of such financial assistance,

7883 revenues, rights, assets or interests is determined by the corporation to
7884 be practicable, within the constraints and not inconsistent with the
7885 fiduciary obligations of the corporation imposed upon or established
7886 upon the corporation by any provision of the general statutes, the
7887 corporation's bond resolutions or any other agreement or contract of
7888 the corporation and to have no adverse effect on the tax-exempt status
7889 of any bonds of the state;

7890 (36) With respect to any capital initiative, to create, with one or more
7891 persons, one or more affiliates and to provide, directly or indirectly, for
7892 the contribution of capital to any such affiliate, each such affiliate being
7893 expressly authorized to exercise on such affiliate's own behalf all
7894 powers which the corporation may exercise under this section, in
7895 addition to such other powers provided to it by law;

7896 (37) To provide financial aid to enable biotechnology and other
7897 technology companies to lease, acquire, construct, maintain, repair,
7898 replace or otherwise obtain and maintain production, testing, research,
7899 development, manufacturing, laboratory and related and other
7900 facilities, improvements and equipment;

7901 (38) To provide financial aid to persons developing smart buildings,
7902 as defined in section 32-23d, incubator facilities or other information
7903 technology intensive office and laboratory space;

7904 [(39) To administer the Renewable Energy Investment Fund
7905 established pursuant to section 16-245n;]

7906 [(40)] (39) To provide financial aid to persons developing or
7907 constructing the basic buildings, facilities or installations needed for
7908 the functioning of the media and motion picture industry in this state;

7909 [(41)] (40) To coordinate the development and implementation of
7910 strategies regarding technology-based talent and innovation among
7911 state and quasi-public agencies, including the creation and
7912 administration of the Connecticut Small Business Innovation Research
7913 Office to act as a centralized clearinghouse and provide technical

7914 assistance to applicants in developing small business innovation
7915 research programs in conformity with the federal program established
7916 pursuant to the Small Business Research and Development
7917 Enhancement Act of 1992, P.L. 102-564, as amended, and other
7918 proposals.

7919 Sec. 131. Section 16a-40d of the general statutes is repealed and the
7920 following is substituted in lieu thereof (*Effective July 1, 2011*):

7921 (a) The State Bond Commission shall have the power, from time to
7922 time, to authorize the issuance of bonds of the state in one or more
7923 series and in principal amounts not exceeding in the aggregate five
7924 million dollars per year. Except as provided in subsection (b) of this
7925 section, the proceeds of the sale of said bonds shall be deposited in the
7926 Energy Conservation Loan Fund established under section 16a-40a for
7927 the purposes of making and guaranteeing loans and deferred loans as
7928 provided in section 5 of public act 05-2 of the October 25 special
7929 session* and section 16a-46e. All provisions of section 3-20, or the
7930 exercise of any right or power granted thereby which are not
7931 inconsistent with the provisions of sections 16a-40 to 16a-40b,
7932 inclusive, and this section are hereby adopted and shall apply to all
7933 bonds authorized by the State Bond Commission pursuant to said
7934 sections 16a-40 to 16a-40b, inclusive, and this section, and temporary
7935 notes in anticipation of the money to be derived from the sale of any
7936 such bonds so authorized may be issued in accordance with said
7937 section 3-20 and from time to time renewed. Such bonds shall mature
7938 at such time or times not exceeding twenty years from their respective
7939 dates as may be provided in or pursuant to the resolution or
7940 resolutions of the State Bond Commission authorizing such bonds.
7941 Said bonds issued pursuant to said sections 16a-40 to 16a-40b,
7942 inclusive, and this section shall be general obligations of the state and
7943 the full faith and credit of the state of Connecticut are pledged for the
7944 payment of the principal of and interest on said bonds as the same
7945 become due, and accordingly and as part of the contract of the state
7946 with the holders of said bonds, appropriation of all amounts necessary
7947 for punctual payment of such principal and interest is hereby made,

7948 and the Treasurer shall pay such principal and interest as the same
7949 become due.

7950 (b) As of July 1, 2010, proceeds of the sale of said bonds which have
7951 been authorized as provided in subsection (a) of this section, but have
7952 not been allocated by the State Bond Commission, and the additional
7953 amount of five million dollars authorized by this section on July 1,
7954 2010, shall be deposited in the Green Connecticut Loan Guaranty Fund
7955 established pursuant to section 16a-40e, and shall be used by the
7956 [Connecticut Health and Educational Facilities Authority] Clean
7957 Energy Finance and Investment Authority for purposes of the Green
7958 Connecticut Loan Guaranty Fund program established pursuant to
7959 section 16a-40f, as amended by this act, provided not more than
7960 eighteen million dollars shall be deposited in the Green Connecticut
7961 Loan Guaranty Fund. Such additional amounts may be deposited in
7962 the Green Connecticut Loan Guaranty Fund as the State Bond
7963 Commission may, from time to time, authorize.

7964 Sec. 132. Section 16a-40e of the general statutes is repealed and the
7965 following is substituted in lieu thereof (*Effective July 1, 2011*):

7966 The [Connecticut Health and Educational Facilities Authority] Clean
7967 Energy Finance and Investment Authority shall establish a "Green
7968 Connecticut Loan Guaranty Fund". Such fund shall be used for the
7969 purposes of guaranteeing loans authorized under section 16a-40f, as
7970 amended by this act, and may be used for expenses incurred by said
7971 authority in the implementation of the program under said section.

7972 Sec. 133. (NEW) (*Effective July 1, 2011*) On or before January 1, 2012,
7973 the Department of Energy and Environmental Protection, in
7974 consultation with public service companies, shall analyze the potential
7975 for on-the-bill financing of renewable power and energy efficiency
7976 investments. The department shall report, in accordance with the
7977 provisions of section 11-4a of the general statutes, its findings to the
7978 joint standing committee of the General Assembly having cognizance
7979 of matters relating to energy.

7980 Sec. 134. Sections 4d-100, 16-1b, 16-247q, 16-261a, 16a-14a, 16a-44b
 7981 and 16a-45a to 16a-46c, inclusive, of the general statutes are repealed.
 7982 (*Effective July 1, 2011*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	New section
Sec. 2	<i>July 1, 2011</i>	2c-2b(b)
Sec. 3	<i>July 1, 2011</i>	4-5
Sec. 4	<i>July 1, 2011</i>	4-38c
Sec. 5	<i>July 1, 2011</i>	4-67e
Sec. 6	<i>July 1, 2011</i>	4b-15
Sec. 7	<i>July 1, 2011</i>	4b-47(a) and (b)
Sec. 8	<i>July 1, 2011</i>	4d-90(a)
Sec. 9	<i>July 1, 2011</i>	13a-126
Sec. 10	<i>July 1, 2011</i>	13b-4b
Sec. 11	<i>July 1, 2011</i>	13b-31c
Sec. 12	<i>July 1, 2011</i>	13b-31e
Sec. 13	<i>July 1, 2011</i>	15-155(e)
Sec. 14	<i>July 1, 2011</i>	16-1
Sec. 15	<i>July 1, 2011</i>	16-2
Sec. 16	<i>July 1, 2011</i>	16-2a
Sec. 17	<i>July 1, 2011</i>	16-2c
Sec. 18	<i>July 1, 2011</i>	16-3
Sec. 19	<i>July 1, 2011</i>	16-4
Sec. 20	<i>July 1, 2011</i>	16-6b
Sec. 21	<i>July 1, 2011</i>	16-7
Sec. 22	<i>July 1, 2011</i>	16-9
Sec. 23	<i>July 1, 2011</i>	16-8(a) and (b)
Sec. 24	<i>July 1, 2011</i>	16-8a
Sec. 25	<i>July 1, 2011</i>	16-18a
Sec. 26	<i>July 1, 2011</i>	16-19a
Sec. 27	<i>July 1, 2011</i>	16-19e
Sec. 28	<i>July 1, 2011</i>	16-19f
Sec. 29	<i>July 1, 2011</i>	16-19h
Sec. 30	<i>July 1, 2011</i>	16-49
Sec. 31	<i>July 1, 2011</i>	16-19j
Sec. 32	<i>July 1, 2011</i>	16-50j
Sec. 33	<i>July 1, 2011</i>	16-245m

Sec. 34	<i>July 1, 2011</i>	16-245y
Sec. 35	<i>from passage</i>	New section
Sec. 36	<i>July 1, 2011</i>	16a-2
Sec. 37	<i>July 1, 2011</i>	16a-3
Sec. 38	<i>July 1, 2011</i>	16-19ss
Sec. 39	<i>July 1, 2011</i>	16a-3b
Sec. 40	<i>July 1, 2011</i>	16a-3c
Sec. 41	<i>July 1, 2011</i>	16a-4
Sec. 42	<i>July 1, 2011</i>	16a-7b(b)
Sec. 43	<i>July 1, 2011</i>	16a-7c(a)
Sec. 44	<i>July 1, 2011</i>	16a-22c
Sec. 45	<i>July 1, 2011</i>	16a-23t(f)
Sec. 46	<i>July 1, 2011</i>	16a-38k(b)
Sec. 47	<i>July 1, 2011</i>	16a-39
Sec. 48	<i>July 1, 2011</i>	16a-41b
Sec. 49	<i>July 1, 2011</i>	New section
Sec. 50	<i>July 1, 2011</i>	17b-801(b)
Sec. 51	<i>July 1, 2011</i>	New section
Sec. 52	<i>July 1, 2011</i>	21a-86a
Sec. 53	<i>July 1, 2011</i>	21a-86c(a)
Sec. 54	<i>July 1, 2011</i>	22-81
Sec. 55	<i>July 1, 2011</i>	22a-2
Sec. 56	<i>July 1, 2011</i>	22a-5
Sec. 57	<i>July 1, 2011</i>	22a-66k(a)
Sec. 58	<i>July 1, 2011</i>	22a-113m
Sec. 59	<i>July 1, 2011</i>	22a-119(e)
Sec. 60	<i>July 1, 2011</i>	22a-134q
Sec. 61	<i>July 1, 2011</i>	22a-174l
Sec. 62	<i>July 1, 2011</i>	22a-354i
Sec. 63	<i>July 1, 2011</i>	22a-198
Sec. 64	<i>July 1, 2011</i>	22a-200c(a) and (b)
Sec. 65	<i>July 1, 2011</i>	22a-354m
Sec. 66	<i>July 1, 2011</i>	22a-449d(b)
Sec. 67	<i>July 1, 2011</i>	22a-604
Sec. 68	<i>July 1, 2011</i>	22a-354i
Sec. 69	<i>July 1, 2011</i>	22a-354w
Sec. 70	<i>July 1, 2011</i>	22a-371(d)
Sec. 71	<i>July 1, 2011</i>	23-8
Sec. 72	<i>July 1, 2011</i>	23-102
Sec. 73	<i>July 1, 2011</i>	25-32b

Sec. 74	July 1, 2011	25-32d
Sec. 75	July 1, 2011	25-32i
Sec. 76	July 1, 2011	25-33o
Sec. 77	July 1, 2011	25-157
Sec. 78	July 1, 2011	25-33g
Sec. 79	July 1, 2011	25-33h
Sec. 80	July 1, 2011	25-37d
Sec. 81	July 1, 2011	25-102m
Sec. 82	July 1, 2011	25-203(a)
Sec. 83	July 1, 2011	26-141b
Sec. 84	July 1, 2011	26-157f
Sec. 85	July 1, 2011	28-24
Sec. 86	July 1, 2011	32-1o(a)
Sec. 87	July 1, 2011	32-9cc
Sec. 88	July 1, 2011	New section
Sec. 89	July 1, 2011	16a-3a
Sec. 90	July 1, 2011	16-244c
Sec. 91	July 1, 2011	New section
Sec. 92	July 1, 2011	New section
Sec. 93	July 1, 2011	New section
Sec. 94	July 1, 2011	New section
Sec. 95	July 1, 2011	New section
Sec. 96	July 1, 2011	16-50r(a)
Sec. 97	July 1, 2011	New section
Sec. 98	July 1, 2011	16-245n
Sec. 99	July 1, 2011	New section
Sec. 100	July 1, 2011	New section
Sec. 101	July 1, 2011	16a-48
Sec. 102	July 1, 2011	New section
Sec. 103	July 1, 2011	16-245(g)
Sec. 104	July 1, 2011	New section
Sec. 105	July 1, 2011	New section
Sec. 106	October 1, 2011	New section
Sec. 107	July 1, 2011	New section
Sec. 108	July 1, 2011	16-245o
Sec. 109	July 1, 2011	16-245d
Sec. 110	July 1, 2011	New section
Sec. 111	July 1, 2011	New section
Sec. 112	July 1, 2011	16-245z
Sec. 113	July 1, 2011	16a-37u

Sec. 114	<i>July 1, 2011</i>	New section
Sec. 115	<i>July 1, 2011</i>	16-262c(b)(1)
Sec. 116	<i>from passage</i>	New section
Sec. 117	<i>July 1, 2011</i>	7-148(c)(6)(B)
Sec. 118	<i>July 1, 2011</i>	New section
Sec. 119	<i>July 1, 2011</i>	16a-40f
Sec. 120	<i>from passage</i>	New section
Sec. 121	<i>from passage</i>	New section
Sec. 122	<i>July 1, 2011</i>	29-263
Sec. 123	<i>July 1, 2011</i>	New section
Sec. 124	<i>July 1, 2011</i>	7-233z
Sec. 125	<i>July 1, 2011</i>	16a-38n(a)
Sec. 126	<i>July 1, 2011</i>	New section
Sec. 127	<i>July 1, 2011</i>	New section
Sec. 128	<i>July 1, 2011</i>	New section
Sec. 129	<i>July 1, 2011</i>	New section
Sec. 130	<i>July 1, 2011</i>	32-39
Sec. 131	<i>July 1, 2011</i>	16a-40d
Sec. 132	<i>July 1, 2011</i>	16a-40e
Sec. 133	<i>July 1, 2011</i>	New section
Sec. 134	<i>July 1, 2011</i>	Repealer section